



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH NEW DELHI**

O.A No. 92/2020

this the 13th day of January, 2020

Hon'ble Ms. Aradhana Johri, Member (A)

Mr. Ajay Kumar Verma
S/o Shri Radhey Shyam Verma
Aged 60 years
Retd. as Mail Express Guard
R/o = C/o Brijesh Kumar Verma
C-77, Street No-6, Khajuri Colony
Delhi-110090

....Applicant

(By Advocate : Mr Manjeet Singh Reen)

Versus

Ministry of Railway & Others : through

1. The General Manager
Northern Railway
Headquarter's Office
Baroda House
New Delhi
 2. The Divisional Railway Manager
Northern Railway
Moradabad Divisional,
Moradabad, (U.P.)
-Respondents

(By Advocate: Mr Krishan Kant Sharma)

ORDER (O R A L)

Ms. Aradhana Johri, Member (A):

The applicant retired as Guard Mail Express with respondent no. 2 on 31.05.2019 on reaching the age of superannuation. A recovery order has been issued on 23.03.2019 on account of over payment and



due to anomalies in pay. Subsequently, on 22.10.2019 deduction of Rs. 4,90,093/-, of excess payment has been deducted from his gratuity. The applicant has given representation to respondents no. 1 & 2 on 27.11.2019 against the said order. He has stated that as per law laid down in Civil Appeal No. 11527 of 2014 (Arising out of SLP(C) No.11684 of 2012) in the matter of State of Punjab Vs Rafiq Masih & Others delivered on 18.12.2014 by Hon'ble Apex Court, this recovery of the excess payment cannot be done.

2.0 It is directed that concerned respondents may pass a reasoned and speaking order as per law within a period of 90 days from the receipt of a certified copy of this order, keeping in mind the Hon'ble Apex Court's ruling in the matter of Rafiq Masih (Supra), if applicable.

(Aradhana Johri)

Member (A)

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