

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.No.2190/99

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)
Hon'ble Shri Govindan S. Tampi, Member(A)

New Delhi, this the 22nd day of September, 2000

Sh. Jai Narain Sharma
s/o Sh. Paras Ram
r/o L-14, Shyam Park
Village Nawada, P.O. Uttam Nagar
New Delhi - 110 059.
working as Asstt. in the office of
The Commandant
505, Army Base Workshop
Delhi Cantt - 110 010. Applicant

(By Shri M.K.Gupta, Advocate)

Vs.

1. Union of India through
its Secretary
Ministry of Defence
South Block
New Delhi - 110 001.
2. Central Defence Accounts
Western Command
Sector 9, Chandigarh.
3. The Commandant
505, Army Base Workshop
Delhi Cantt - 110 010. .. Respondents

(By Shri Madhav Panikar, Advocate)

O R D E R (Oral)

By Justice Rajagopala Reddy:

The applicant, while working as Lower Division Clerk (LDC), was given the benefit of Rs.20 as special pay. His pay has been refixed in higher grades taking into consideration of the special pay. The applicant is now working as Assistant. In the orders dated 15.1.1998 and 8.4.1999, his pay is sought to be refixed on the ground that the special pay was not to be included for fixation of pay in the higher grade and an amount of Rs.27,967/- is sought to be recovered. This OA is filed challenging the above orders.

2. In the counter reply it is stated that a mistake had occurred in refixing pay in the higher grades and the same has been discovered in 1989. It is the case of the respondents that administrative mistake should be rectified and the remedial action can be taken at any time. (3)

3. It may be true that a wrong fixation had taken place in this case but when the mistake had been discovered in 1989, the respondents should have corrected connected the mistake soon thereafter. It is impermissible after a period of ten years to seek to correct the error and to order recovery of the entire amount that has been paid to the applicant from 1982. We do not find any justification for this action of the respondents. There is no explanation given by the respondents for keeping ~~full~~ for such a long time. It is also found that other employees have got the same benefit as the applicant was given and their refixation has gone unchecked. In the circumstances, we do not find valid ground to order recovery and refixation at this late stage. In the circumstances, the OA succeeds. The impugned orders dated 25.6.1998 and 8.4.1999 are set aside. In the circumstances, there shall be no order as to costs.

(GOVINDAN S. TAMPI)
MEMBER(A)

Ambygopal Reddy
(V.RAJAGOPALA REDDY)
VICE CHAIRMAN(J)

/RAO/