

Central Administrative Tribunal, Principal Bench

Original Application No.1002 of 1999

New Delhi, this the 1st day of August, 2000

Hon'ble Mr.V.K.Majotra, Member (Admnv)

D.R.Nim, S/o Shri G.R.Nim, aged 68 years,
 r/o B3/367, Paschim vihar, New Delhi-110063 - Applicant
 (Applicant in person)

Versus

1. The Director of Education, Delhi.
2. Sh.Pratap Singh, the Principal (former),
 G.B.S.S.S., S.P.road, Nangloi, C/o The
 Director of Education, Delhi.
3. Shri M.S.Dabas, the principal of
 G.B.S.S.S. Nangloi, Delhi.
4. Smt. Daljeet Kaur, the Education
 Officer, Zone-14, Karm Pura, New Delhi. - Respondents

(By Advocate Shri Devesh Singh through proxy
 counsel Shri Amit Rathai)

O R D E R (Oral)

This is the third round of litigation resorted to by the applicant in regard to the recovery of a sum of Rs.7390/- by the respondents on account of alleged wrong payment to the applicant by the respondents.

2. Earlier on the applicant had filed OA No.247/86 in which he had filed a CCP as well no.305/91 which was decided on 20.5.1992. It was held in the order dated 20.5.1992 that the amount of Rs.7390/- was recoverable from the petitioner. The respondents owed a sum of Rs.7611/- to the applicant towards the pay and allowances consequent upon fixation of his pay for the period from 6.10.1977 to 31.12.1985. After deducting a sum of Rs.7390/- a sum of Rs.221/- only was due to the petitioner, which was tendered by cheque to the petitioner in the court.

3. Next time the applicant approached the court by way of OA No.1966/95 on the same subject. The OA was

:: 2 ::

disposed of vide order dated 2.4.1997 with a direction to the respondents that in the event the applicant files a detailed and self contained representation within one week from the date of receipt of a copy of order dated 2nd April, 1997 in OA 1966/95, they would examine the same and dispose of the representation by a detailed self contained and speaking order. The applicant *has* still remained aggrieved and has filed the present OA seeking payment of Rs.7611/-.

4. The applicant has drawn my attention to Annexure-A-3 dated 21.12.1988 whereby having opted the revised scale of the IIIrd Pay Commission w.e.f. 6.9.1974, and subsequently being allowed the selection Grade of PGT (Rs.775-35-880-40-1000) w.e.f. 1.3.1973, the applicant's pay was regulated. The applicant as Vice Principal was entitled for payment of arrears. It was also stipulated that the recovery of over payment made to him due to his earlier wrong fixation of pay with effect from 1.1.1973 to 5.10.1977 amounting to Rs.5780/- plus allowances should be recovered in lump sum. The applicant has sought proof from the respondents regarding the payment of the excess amount on account of wrong fixation of pay from 1.1.1973 to 5.10.1977 contending that he was never paid that excess amount, therefore, the question of recovering the same does not arise.

5. The respondents have denied the averments of the applicant. They have stated that the applicant had opted for the scales recommended by the Third Pay Commission with effect from 6.9.1974. As per the school records the arrears bill no. AB/116 dated 2.2.1989

:: 3 ::

submitted in PAO for Rs.7611/- was submitted when the applicant himself was the DDO and fully responsible for the final process of the bill. The controversy whether the respondents were entitled to deduct a sum of ~~disposal of~~ Rs.7390/- or not was decided at the time of OA 247/86 & CCP 305/91. The respondents have also decided applicant's representation dated 9.5.1998 following decision in OA 1966/95. It has already been held by the court that a sum of Rs.7390/- was deductible from the amount of Rs.7611/-, which was due to the applicant and the remaining amount of Rs.221/- was paid to the applicant by cheque in the court.

6. In the light of the above reasons and discussions, the OA is dismissed being devoid of merits.
No costs.

V.K.Majotra
(V.K.Majotra)
Member (Admnv)

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