

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD**

O.A. No. 02 /00285/2020

Hyderabad, this the 17TH day of June, 2020



**THE HON'BLE MR.ASHISH KALIA, JUDICIAL MEMBER
THE HON'BLE MR.B.V.SUDHAKAR, ADMINISTRATIVE MEMBER**

1. D.Kantha Rao, S/o .Mallaiah, aged about.54 yrs,
(Retd.,)J.E. R/o H.No.1-9-351, Julaiwada, Hanamkonda, Warangal.
2. D.Narsimharamulu, S/o. Venkatanarsu, aged about 59yrs,
(Retd.,) J.E. R/o. H.No.16-8-797 Abbanikunta, Warangal-506013.
3. U.Praveen Kumar, S/o. Gangaiah, aged about 54yrs,
(Retd.,)T.T, R/o. H.No.2-7-1239/4, Kanakadurga Colony,
Hanamkonda.506371.
4. S.Sampath, S/o. Veeraiah, aged 56yrs,(Retd.,) J.E
R/o.H.No.4-66/14 Madhuranagar, Jayalaxmi Centre, Narsampet,
Warangal (rural) 506132.
5. Ahmmad Mohinuddin, S/o. Shaik Mohinuddin, aged about 56yrs,
(Retd.,) T.T H.No.11-23-539 L.B.Nagar, Warangal-506002.
6. K.Pandu Rangaiah, S/o. Balarangaiah, aged about 54 yrs,
(Retd.,) T.T, R/o. H.No.1-3-108 Near Municipal office,
Mahaboobbad-506101.
7. G. Rama Subba Reddy, S/o. Chinna Bal Reddy, aged about 56 yrs,
(Retd.,)T.T. H.No.1-7-32/1 Narsampet Road Mahaboobbad -506101.
8. D.Rajanna, . S/o.Ramulu, aged about 59 yrs,
(Retd.,) T.T, R/o. H.No.16-8-761, Labour Colony, Abbanikunta,
Warangal.
9. V.Rajaiah, S/o.Raghavulu, . aged about 59 yrs,
(Retd.,) J.E H.No.2-1139/1 K.L.N .Reddy Colony, Hanamkonda,
Warangal 506001.
10. B.Krishnahari, S/o.Laxmaiah, aged about 59 yrs,
(Retd.,) T.T. H.No.2-9-399/A, Snehanagar, Hanamkonda,

Warangal-506001.

11. B.Kondaiah, S/o. Bhoomaiah, aged about 56yrs, (Retd.,) JE H.No.3-14-687/3, Hanumannagar, Hanamkonda, Warangal-506001.

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12. D.Srinivas, S/o.Cheralu, aged about 56yrs, (Retd.,) J.E. H.No.32-2-272 Durga Colony, Palvelpula Road, Bheemaram , Hanamkonda, Warangal.
13. P.Ravinder, S/o.Rama Chandram, aged about 58 yrs (Retds.,) J.E H.No.5-11-968 Hanumannagar, Hanamkonda, Warangal.
14. M.Nageswar Rao, S/o. Sathyanarayana, aged about 55 yrs, (Retds.,) T.T, R/o. H.No.12-122/1, Rajeev Nagar, Thorrur, Mahaboobabad District.
15. B.Sadanandam, S/o.Narasimhulu, aged about 54 yrs, (Retd.,) JE , R/oH.No.35-1-123/1, Gopalpur, Hanamkonda, Warangal.
16. G.Joseph, S/o.John, aged about 57yrs, (Retd.,) T.T, R/o H.No15-2-151/D, Badrakali Temple Road Warangal.
- 17 M.Sanjeeva, S/o. Veeraiah, aged about 57yrs, (Retd.,) T.T H.No.2-9-434, Snehanagar, Hanamkonda, Warangal.
18. S.Chandramouli, S/o.Pandu Rangarao, aged about 58 yrs, (Retd.,) J.E, R/o.H.No.1-9-351, Julaiwada, Hhanamkonda, Warangal -506001
19. B.Chenna Reddy, S/o. Ranga Reddy, aged about 55 yrs, (Retd.,) T.T H.No.1-3-105 Gopala Swamy Temple Road, Mahaboobabad.
20. Ch. Rajaiah, S/o. Somaiah, aged about 56 yrs, (Retd.,) T.T, H.No.16-55/B, Thorrur Teachers Colony, Mahaboobabad District 506163.
- 21 N.Jayaram Reddy, S/o. Abbi Reddy, aged 56 yrs, (Retd.,) J.E, H.No.4-66/14, Madhuranagar, Jayalaxmi Centre, Narsampet, Warangal (rural)506132.
22. V.J.Ranga Reddy, S/o. Bala gundu Reddy, aged about 59 yrs, (Retd.,) T.T,R/o. H.No. 3-1-16/1, Brahmanwada, Mahaboobabad.

23. SMD Ismail, S/o.Naune Saheb, aged about 55 yrs,
(Retd.,) T.T, R/o. H.No. 8-1/35, Nandanavanam Venture,
Mahaboobabad Road, Near HP Petrol Pump, Yedulapuram,
Khammam -507163.

... Applicants



(By Advocate : Mrs.G.Manjula)

Vs.

1. Union of India, Rep., by its Secretary,
Ministry of Communications,
Department of Telecommunications,
20, Ashoka Road, New Delhi – 110001,
2. Bharat Sanchar Nigam Limited,
Represented by its Chairman-cum-
Managing Director, BSNL Corporate Office,
HC Mathur Lane, Janpath, New Delhi – 110001.
3. The Chief General Manager,
BSNL, Telangana Telecom Circle,
Doorsanchar Bhavan, Nampally Station Road,
Hyderabad – 500 001.
4. The Principal General Manager,
Telecom District, BSNL,
Warangal
5. The Accounts Officer (Pay)
O/o Principal General Manager,
Telecom District, BSNL,
Warangal.

Respondents

(By Advocate : Mrs.K.Rajitha, Sr.CGSC & Mr.M.C.Jacob, S.C. for BSNL)

ORAL ORDER**{As per Hon'ble Mr.B.V.Sudhakar, Administrative Member}**

2. The applicants while working as Telecom Mechanics in the respondents organization were granted pay scale of Rs.3200-4900 in May 2000. Thereafter, BSNL was formed on 01.10.2000. Applicants continued till 31.01.2020 and sought Voluntary Retirement under the Voluntary Retirement Scheme of 2019. At the time of disbursing the retirement benefits, respondents revised the pay of the applicant w.e.f. 01.10.2000 and ordered recovery of the alleged excess payment from EL encashment/ Ex-Gratia payable to them. Aggrieved over the same, OA has been filed.

3. The contentions of the applicants are that the order of recovery was issued after 20 years of fixing the pay. Respondents have also not issued any notice before ordering the recovery. Moreover, applicants contend that the action of the respondents is in gross violation of the law laid down by the Hon'ble Supreme Court in *Punjab and Others vs. Rafiq Masih (White Washer) etc. in C.A. No.11527 of 2014 (Arising out of SLP (C) 116684 of 2012)* in regard to recovery.

4. Learned counsel for the respondents submits that the revision of pay of the applicants was warranted as there was some mistake committed while fixing the pay of the applicants way back in 2000. Hence, the pay had to be revised and excess amount paid had to be been ordered to be recovered. Otherwise it will be construed as undue enrichment of the applicants.

5. Heard both the counsel.

6. The grievance of the applicants is in regard to recovery from pensionary benefits for an alleged wrong fixation of pay done by the respondents. For any recovery to be made, it is expected of the respondents to issue notice in consonance with the principles of Natural Justice.



Applicants alleged that no such notice was issued to them. Besides, Hon'ble Supreme Court judgment in Rafiq Masih case governs the aspect of recovery from Group C and retired employees with certain conditions.

7. In view of the above background, applicants are directed to submit representations to the competent authority within a period of 2 weeks from the date of receipt of this order and the competent authority in turn shall dispose of the representation, within a period of eight weeks from the date of receipt of such representations, by issuing a speaking and reasoned order, based on rules and in accordance with law. Till such time, there shall be no recovery from the applicants pursuant to the impugned order.

With the above directions, the OA is disposed of at the admission stage, with no order as to costs. We make it clear that we have not gone into the merits of the case while disposing of the OA at this stage.

(B.V. SUDHAKAR)
ADMINISTRATIVE MEMBER

(ASHISH KALIA)
JUDICIAL MEMBER

Sd/evr