

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.201/00780/2019

Jabalpur, this Thursday, the 14th day of January, 2021

HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER
HON'BLE MS. NAINI JAYASEELAN, ADMINISTRATIVE MEMBER



Abdul Masood
 Age 61 years,
 S/o Abdul Majeed
 Occ: Retired-X-Ray Technician,
 R/o H.No.-167/5,
 Rehamat Nagar,
 Jaora Road,
 Ratlam (MP)-457001

-Applicant

(By Advocate – **Shri K.C.Raikwar**)

V e r s u s

1. Union of India,
 through General Manager,
 Western Railway Church Gate,
 Mumbai,
 Maharashtra 400020

2. Divisional Railway Manager,
 Divisional Office, Do Batti,
 Ratlam M.P. Pin 457001

3. Divisional Personnel Officer,
 Divisional Office,
 Do Batti, Ratlam,
 M.P., Pin 457001

- Respondents

(By Advocate – **Shri P.R.Bhatnagar**)

O R D E R(ORAL)

By Ramesh Singh Thakur, JM:-

Heard.



2. This Original Application has been filed against the order dated 15.09.2017 passed by Divisional Personnel Officer Western Railway, Ratlam (M.P.).

3. From the pleadings the case of the applicant is that the applicant was appointed on the post of Hospital Attendant on 29.04.1977. Later on, the applicant was promoted to the post of X-Ray Attendant on 10.03.1994 and to Dresser-III on 01.11.2002. The benefits of 1st, 2nd and 3rd MACP were granted to the applicant in Grade Pay of Rs.1900, 2000 and 2400/- respectively (Annexure A/6).

4. On 15.09.2017 Divisional Personnel Officer, Ratlam (Respondent No.3) refix the pay of the applicant and took back all the benefits of Grade Pay of Rs.1900, 2000 and 2400 extended to the applicant in term of 1st, 2nd and 3rd MACPs respectively. The final pay of applicant was fixed

in Rs.5200-20200 + 1800 and recovery of Rs.244826/- was made vide order dated 15.09.2017 (Annexure A/1).



5. On 20.09.2017, Divisional Personnel Officer Ratlam (Respondent No.3) on behalf of DRM (Est.) Ratlam (WR) wrote a letter to the Chief Medical Supervisor Ratlam with reference of the letter of the applicant dated 16.09.2017 (Annexure A/7) wherein it has been stated that if a employee has refused promotion before the implementation of MACPS scheme then that particular employee would not be entitled for the upgradation of pay scale in term of MACP. The applicant has refused the promotion of Dresser III in 2004 so he is not entitled for upgradation. The case of the applicant is that in the identical case wherein the Central Administrative Tribunal has rendered judgment on 05.08.2013 (Annexure A/9). The applicant has also relied upon the order passed by Hon'ble Apex Court in the matter of State of Punjab & others vs. Rafiq Masih etc. The applicant retired on 30.09.2017 and PPO was issued on 25.09.2017. The main

ground for challenging the action of the applicant are that the recovery was made just 15 days before the date of retirement and the applicant is not guilty of furnishing any incorrect information/misrepresentation/fraud which has led the concerned competent authorities to commit the mistake of making the higher payment to the applicant.



6. The applicant further submitted that the applicant has made detailed representation dated 25.04.2019 (Annexure A/18) and the same is not decided yet.

7. At this stage learned counsel for the applicant submits that the applicant will be satisfied if the respondents are directed to consider and decide applicants' representation dated 25.04.2019 (Annexure A/18) in a time bound manner.

8. Learned counsel for the respondents submits that he has no objection if the Original Application is disposed of in above manner.

9. We have considered the matter and we are of the view that the natural justice will be met if the competent

authority of the respondents are directed to consider and decide the applicant's representation dated 25.04.2019 (Annexure A/18) in a time bound manner.



10. Resultantly, the competent authority of the respondents is directed to decide the applicant's representation dated 25.04.2019 (Annexure A/18), if not already decided, a period of six weeks after receiving the copy of this order.

11. Needless to say that the competent authority of the respondents shall pass the reasoned and speaking order. Respondents shall also deal with all the contentions raised in Annexure A/18.

12. With these observations, this Original Application is disposed of at admission stage itself.

(Naini Jayaseelan)
Administrative Member

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(Ramesh Singh Thakur)
Judicial Member