

**Central Administrative Tribunal
Jammu Bench, Jammu**

Hearing through video conferencing

This is the 14th day of September, 2020

O.A No. 61/747/2020

Behari Lal

Versus

D/o Election, UT of J&K

Present:

For applicant: Ms. Manpreet Kour
For respondents: Mr. Amit Gupta, AAG
Mr. Raghu Mehta, Dy. A.G

Order (Interim)

By: Hon'ble Mr. Rakesh Sagar Jain, Member (J)

- 1) Applicant Behari Lal has challenged the show cause notice wherein it is mentioned that his promotion as 'Chauffeur' is bad in law and to show cause why he should not be reverted back to scale of Driver Grade -I and why not excess pay of Rs. 2725956/- be recovered from him. Applicant seeks interim relief to restrain the respondents from effecting recovery and release his salary from March to September 2020 till disposal of the OA.
- 2) Mr. Amit Gupta, AAG and Mr. Raghu Mehta, SGSC accepts notice on behalf of respondents. They shall file the counter

affidavit within 4 weeks. Thereafter, learned counsel for applicant shall file the rejoinder affidavit within two weeks. Meanwhile, respondents till filing of objections and till the next date of hearing before the court shall not affect any recovery from the applicant and shall also release his salary, if any, due under rules. However, the salary shall not be paid as due to a 'Chauffeur' but the salary to which the applicant may be entitled i.e. as per Driver Grade-I. In case, applicant is ultimately found to be entitled to pay of 'Chauffeur', he would be given the due difference.

3) Put up file for orders on 23.11.2020

(Anand Mathur)
Member (A)

(Rakesh Sagar Jain)
Member (J)

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