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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH  
NEW DELHI.

O.A.No.551/90

New Delhi this 15<sup>th</sup> of July, 1994.

Hon'ble Mr. J. P. Sharma, Member (J)  
Hon'ble Mr. S. R. Adige, Member (A)

1. Inder Singh (5) s/o Sh. Hardayal Singh,  
r/o Dhobi Ghat, Chitra Line, Labour Camp,  
Delhi Cantt.

2. Sukhpal (50) son of Sh. Karkar,  
r/o H. No. C-43 Sagarpur East,  
New Delhi.

3. Seo Ram s/o Shri Mawasi (age 48 years)  
r/o Dhabbi Ghat, Chitra Line, Labour Camp,  
Delhi Cantt-10

....Applicants.

None for applicants.

Versus

1. Union of India,  
service through Director General EME,  
EME Directorate, Army HQ, New Delhi-110011.

2. Commander,  
HQ Technical Group EME, Delhi Cantt-110011.

.....Respondents.

By Advocate Shri M. L. Verma.

JUDGMENT

By Hon'ble Mr. S. R. Adige, Member (A)

In this application, Shri Inder Singh and two others, all Group 'D' employees, Head Quarters Technical Group EME, Delhi Cantt., has impugned the order dated 14.3.90 (Annexure-2) and March, 1990 (Annexure-3) directing recoveries from the applicants' wages at the rate of Rs. 200/- per month in respect of alleged over-payments made.

2. The applicants were granted stagnation increments on completion of every two years' service of the on reaching the maximum/revised pay scale, equivalent to the increment last drawn by them in their pay scales,

by treating these stagnation increments as personal pay in accordance of Finance Ministry's letter dated 3.7.87, extended to the Defence Ministry's employees vide letter dated 11.9.87 (Annexure-R1).

3. It appears that the Audit Authorities vide letter dated 12.2.90 (Annexure -R2) intimated that allowances such as D.A., HRA and CCA etc. are not admissible on stagnation increments, and as such all over-payments made to these employees on account of various allowances paid on stagnation increments which is termed as personal pay had been ordered to be recovered allegedly being over -payments.

4. The Finance Ministry's O.M. dated 3.7.87 specifically states that stagnation increments shall be treated as personal pay. F.R. 9(21) (a) at Annexure-R4 defines pay to include personal pay. D.A., H.R.A., CCA, etc. are determined on the basis of pay and if stagnation increments had been directed to be treated as personal pay, which is a part of pay as defined in F.R. 9(21)(a), it is not understood how the respondents have excluded the stagnation increments for the purpose of calculating D.A., H.R.A., CCA etc. The reply filed by the respondents does not explain satisfactorily and Shri Verma, learned counsel for the respondents has also failed to throw light on the same.

5. Under the circumstances, this application succeeds and is allowed. The interim order passed on 30.3.90 restraining the respondents from effecting any further recovery from the salary of the applicants are made absolute and the respondents are directed to

refund the sums already realised from the applicants within three months from the date of receipt of a copy of this order. No costs.

*S.R. Adige*  
(S.R. ADIGE)  
MEMBER(A)

*J.P. Sharma*  
(J.P. SHARMA)  
MEMBER(J)

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