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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

C.P. (Civil) NO. 347 of 1993 in
O.A. NO. 2958 of 1991

New Delhi this the 4th day of November, 1993.

CORAM :

THE HON'BLE MR. JUSTICE V. S. MALIMATH, CHAIRMAN
THE HON'BLE MR. S. R. ADIGE, MEMBER (A)

Dr. Babu Ram
S/o Shri Munna Lal,
Senior Scientist,
Water Technology Centre,
Indian Agricultural Research
Institute, Pusa, New Delhi &
Resident of L-82, Sector-II,
NOIDA (U.P.) ...

Petitioner

By Advocate Shri P. L. Mimroth

Versus

1. Shri J. C. Pant,
Secretary,
Department of Agriculture &
Cooperation, Ministry of
Agriculture, Krishi Bhawan,
New Delhi.

2. Shri M. S. Ahluwalia,
Secretary, Ministry of
Finance, Department of
Economic Affairs,
Govt. of India,
North Block,
New Delhi.

3. Shri M. Dandapani,
Secretary to the Ministry
of Personnel & Pension,
(Deptt. of Personnel &
Training), North Block,
New Delhi. ...

Respondents

By Advocate Shri P. P. Khurana

O R D E R (ORAL)

Hon'ble Mr. Justice V. S. Malimath :-

We are satisfied on a perusal of the order now produced dated 22.9.1993 that the direction in the judgment of the Tribunal in O.A.2958/91 to fix the pay of the petitioner and to grant him increments till 26.2.1990 has fully been complied with. The

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effect of the said order is to fix the pay of the petitioner as on 26.2.1987 at Rs.3200/- and at Rs.3300/- on 1.2.1989 and to grant annual increments of Rs.100/- as per the terms of the order. There is, however, a justification for the complaint that the last portion of the order which says that "The above order is subject to post-audit and the over payments made, if any, would be recovered subsequently without notice", is clearly inconsistent with the direction of the Tribunal which says that the respondents are directed not to recover the amount paid to the applicant. Shri Khurana, realising the mistake, rightly and fairly submitted that they have inadvertantly added the usual clause which is added in such orders and that the same would not be given effect to and should, therefore, be ignored. We make it clear that the question of recovery does not arise in view of the judgment of the Tribunal and that the last portion of the order dated 22.9.1993 should, therefore, be regarded as non-est. With this clarification, these proceedings are dropped.

S. R. Adige
(S. R. Adige)
Member (A)

V. S. Malimath
(V. S. Malimath)
Chairman

as