

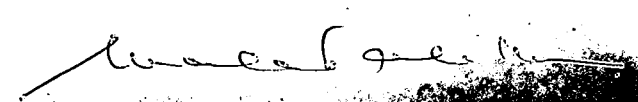
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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA 2502/2004  
MA 2080/2004

New Delhi, this the 14<sup>th</sup> day of February, 2005

Hon'ble Mr. Justice M.A. Khan, Vice-Chairman (J)  
Hon'ble Mr. S.K. Naik, Member (A)

1. Rajesh Kumar, Asstt. Supdt.  
S/o Late Sh. Hiralal  
C/o Kendriya Vidyalaya Sangathan  
Regional Office,  
Bihar.
  2. Ms. Meena Kumari, Asstt. Supdt.  
W/o Late Sh. V.K. Maini  
C/o Kendriya Vidyalaya Sangathan  
Regional Office,  
Delhi.
  3. H.K. Makkar, Asstt. Supdt.  
W/o S. Paramjeet Singh  
C/o Kendriya Vidyalaya Sangathan  
Regional Office,  
Delhi.
  4. Ms. Kusum Rani Bhatia  
Stenographer Gr.-II  
S/o Shri Dinesh Bhatia,  
C/o Kendriya Vidyalaya Sangathan  
Regional Office,  
Delhi.
  5. Tapan Kumar Chakravarty, Asstt. Supdt.  
S/o Shri Late Motilal Chakravarty  
C/o Kendriya Vidyalaya Sangathan  
Regional Office,  
Delhi.
  6. Sahaya Nand Singh, Supdt.  
S/o Late Ram Deo Singh  
C/o Kendriya Vidyalaya Sangathan  
Headquarters, Delhi.
  7. R. Santhanam, AAO  
S/o Shri K. Rajagopal  
C/o Kendriya Vidyalaya Sangathan  
Headquarters, Delhi.
  8. A.C. Thomas, Asstt. Supdt.  
S/o Sh. Thomman Chummor  
C/o Kendriya Vidyalaya Sangathan  
Headquarters, Delhi.
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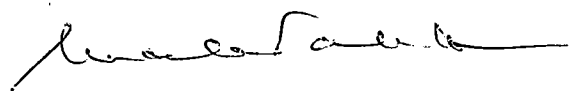
9. R. K. Pathik, Section Officer  
S/o Sh. N.R. Pathik  
C/o Kendriya Vidyalaya Sangathan  
Headquarters, Delhi.
10. Narinder Kaur, Stenographer Gr.-I  
W/o Gurpreet Singh  
C/o Kendriya Vidyalaya Sangathan  
Headquarters, Delhi.
11. Ms. Kusum Khurana, Stenographer Gr.-II  
W/o Vinod Khurana  
C/o Kendriya Vidyalaya Sangathan  
Headquarters, Delhi.
12. Bhushan Grover, Asstt. Supdt.  
S/o Late Sh. H.C. Grover  
C/o Kendriya Vidyalaya Sangathan  
Headquarters, Delhi.
13. Smt. Parvati, Sr. Stenographer Gr.-II  
W/o Sh. S.L. Shehdadpuri  
C/o Kendriya Vidyalaya Sangathan  
Headquarters, Delhi.
14. Poonam Kathuria, Stenographer Gr.-II  
W/o Shri P.N. Kathuria  
C/o Kendriya Vidyalaya Sangathan  
Headquarters, Delhi.
15. G.S. Aggarwal, Asstt. Supdt.  
S/o Sh. Om Prakash Aggarwal  
C/o Kendriya Vidyalaya Sangathan  
Headquarters, Delhi.
16. A.S. Bisht, Asstt. Supdt.  
S/o Late Sh. Khim Singh Bisht  
C/o Kendriya Vidyalaya Sangathan  
Headquarters, Delhi.

(By Advocate Ms. Maninder Acharya)

... Applicants

Versus

1. Kendriya Vidyalaya Sangathan  
Through its Commissioner,  
18, Institutional Area,  
Shaheed Jeet Singh Marg,  
New Delhi - 110 016.
2. Ministry of Human Resource  
& Development  
through Secretary  
New Delhi.
3. Ministry of Finance  
Through its Secretary



North Block,  
New Delhi.

4. Ministry of Personnel and  
Public Enterprises  
Through its Secretary  
North Block  
New Delhi.

.... Respondents.

(By Advocate Shri S. Rajappa)

### ORDER (ORAL)

Mr. Justice M.A. Khan, Vice-Chairman (J):

This OA is filed for impugning the orders of the respondents dated 15.4.2004 and 26.5.2004 whereby the pay scale of Rs.1640-2900/- earlier granted by the respondents has been withdrawn <sup>h</sup> and recovery of the excess payment of salary made to the applicants has been ordered. The applicant further sought quashing the order of the respondents dated 26.5.2004 whereby the respondent no. 3 had been directed to initiate recovery proceeding.

2. Respondents <sup>s</sup> had contested this OA.

3. At the time of hearing the learned counsel for the applicants has fairly conceded that in view of the judgement of Hon'ble Supreme Court in CC 7120-7122/2004 M.N. Haider & Ors. Vs. Kendriya Vidyalaya Sangathan & Ors., decided on 3.9.2004 the applicants are not pressing the relief of quashing of the order of the respondents whereby the pay scale of Rs.1640-2900/- was withdrawn. However, the applicants are impugning the order of the respondents whereby the recovery of excess payment is sought to be made from the salaries of the applicants.

4. The learned counsel for the applicants has submitted that some of the employees, who were similarly placed, had filed an OA 1496/2004 which was disposed off by this Tribunal vide order dated 11.11.2004 and the said applicants were given liberty to file representation before the respondents and the respondents were directed to consider their representation against proposed recovery of excess amount paid from their salary.

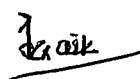
*Malik Ali Khan*

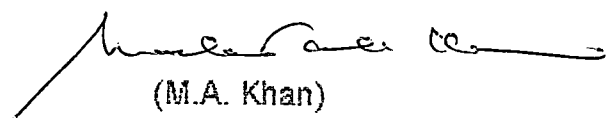
5. Learned counsel for the respondents, however, submitted that another petition which involved similar question of law and fact was filed by some employees of Navodaya Vidyalaya Samiti which was bearing OA 2279/2004 and was disposed off on merit by this Tribunal vide order dated 3.2.2005. The file of the said case was called from the Registry. Learned counsel for both the parties made a joint request that the present OA may also be disposed off in terms of the aforesaid order.

6. Tribunal had disposed of the OA 2279/2004 vide order dated 3.2.2005 which reads as under:-

"13. In the result, for the foregoing reasons, the present OA is partly allowed. As far as reduction in pay scale is concerned, we uphold the validity of the same and quash the orders whereby recoveries are to be effected against the applicants due to excess payment made to them. Respondents are directed to pass an order waiving of the recovery in the light of the decision of the Apex Court (supra) within two months from the date of receipt of a copy of this order. Interim order dated 22.9.2004 is made absolute. No costs."

7. We are inclined to accede the request of the learned counsel for the parties. The present OA is disposed off in terms of the order passed in the aforesaid OA reproduced above with no order as to costs.

  
(S.K. Naik)  
Member (A)

  
(M.A. Khan)  
Vice-Chairman (J)

/gkk/