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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

O.A.NO.390/2004

Thursday, this the 19th day of February, 2004

--- Hon'ble Shri S.K. Naik, Member (A)

Shri Omveer Gaur  
Asstt. Engineer (Electrical)  
c/o Executive Engineer (Elect.)  
Hindon Central Electrical Division  
CPWD, Hindon Air Field  
Ghaziabad (UP)

..Applicant

(By Advocate: Smt. Meenu Mainee)

Versus

Union of India through

1. The Secretary  
Ministry of Urban Development  
Govt. of India  
Nirman Bhavan, New Delhi
2. The Director General  
CPWD  
Govt. of India  
Nirman Bhawan, New Delhi
3. The Executive Engineer (Elect.)  
Hindon Central Electrical Division  
CPWD, Hindon Air-Field  
Ghaziabad

..Respondents

O R D E R (ORAL)

Heard the learned counsel for applicant. The main contention raised by her is that the respondents intend to recover the payment made to the applicant on account of stepping up of the pay for which he had not made any request himself. The benefit having been given by the respondents themselves without any request, it is unjust and unfair that the recovery proceedings should be effected at this point of time. It has also been contended that the representation dated 15.10.2003, copy of which is Annexure A-7, was not replied to nor was the applicant given any opportunity of being heard.

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2. Under the circumstances, when the rights of the respondents are not likely to be affected, I direct respondent Nos. 2 & 3 to consider the said representation of the applicant as also the grounds advanced by him in the present OA and to pass a detailed reasoned and speaking order with an intimation to the applicant. The recovery, until then, should not be effected by the respondents. If any grievance still survives, the applicant will, however, be free to agitate the matter through a fresh OA, if so advised, in accordance with law.

3. With these directions, OA is disposed of.

Issue Dasti.

S. K. Naik  
( S. K. Naik )  
Member (A)

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