

(17)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 18TH DAY OF AUGUST, 2000

Original Application No.59 of 1996

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MR.S.DAYAL, MEMBER(A)

Agam Prakash, aged about 60 years
S/o Shri B.M.Sahai, resident of
184 Qila Khera, Ujhani,
District Badaun

..... Applicant

(By Adv: Shri R.K.Nigam)

Versus

1. Union of India, through General Manager
Baroda House, New Delhi.
2. Divisional Railway Manager,
Northern Railway, Moradabad.

..... Respondents

(By Adv: Shri G.P.Agrawal)

O R D E R(Oral)


(By hon.Mr.Justice R.R.K.Trivedi,V.C.)

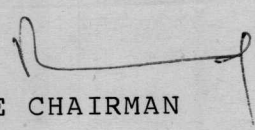
This application u/s 19 of the A.T.Act 1985 has been filed for a direction to the respondents to pay the entire amount recovered from the pay sheet of the applicant from 11.2.1988 onwards. ^{on from u} ~~in~~ paragraph 10 of the counter affidavit the fact revealed ^{case} that neither the applicant was paid Rs.2250/- per month till 10.2.1988 as alleged by the applicant, nor any recovery by the Bill section was started. As a matter of fact the applicant was drawing Rs.610/- per month in scale Rs.550-750 on 1.1.86 and in the corresponding revised scale of pay his pay was fixed on Rs.1800/- in 1600-50-2300-EB-60-2600 on 1.1.86. His pay was further raised to 1850/- per month from 1.6.86 and to Rs.1900/- from 1.6.87. A photostat copy of the fixation chart duly vetted by the Accounts is also enclosed. The applicant had never challenged about

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the incorrectness of the fixation of his pay in scale Rs.1600-2660 on 1.1.86 onward. Accordingly he was ^{or allowed} ~~allowed~~ to draw ^{Rs.} ~~Rs.~~1900/- per month in scale of Rs.550-750/1600-2660 from 1.6.87. The applicant was placed under suspension in a certain D & AR case w.e.f. 11.2.88 and that suspension was revoked w.e.f. 25.11.88. As a disciplinary measure the applicant was reverted on pay Rs.1700/- in scale of Rs.1400-2300 for three years with immediate cumulative effect vide punishment notice dated 17.11.88. Since the fact of deduction of salary has been denied by the respondents in our opinion, the applicant is not entitled for any direction as prayed. The application is accordingly rejected. However, it shall be opened to the applicant to pursue his representation (Annexure A-2) before D.R.M, Northern Railway, Moradabad which may be considered and decided by a reasoned order within three months from the date a copy of this order is filed before him. To avoid delay it shall be opened to the applicant to file a fresh copy of the representation alongwith this order. No order as to costs.


MEMBER(A)


VICE CHAIRMAN

Dated: 18.8.2000

Uv/