

Central Administrative Tribunal Principal Bench, New Delhi



O.A. No. 856/2021

New Delhi this the 19th day of April, 2021

(Through Video Conferencing)

HON'BLE MS. ARADHANA JOHRI, MEMBER (A)

Naveen Kumar Sharma
S/o late Sh. Mahesh Chand Sharma
Sr. TOA(G), CL-05971 – Group 'C'
Having his office at:
O/o GM (TY), MTNL, Laxmi Nagar
Delhi.
Having his Residence at:
R/o KJ-50, Kavi Nagar,
Ghaziabad,
Uttar Pradesh – 201 001.

...Applicant

(By Advocate: Sh. K.K. Sharma)

Versus

Union of India through:

1. Secretary,
Ministry of Communications,
Department of Telecommunications,
Sanchar Bhawan, 20, Ashoka Road,
New Delhi – 110 001.

2. Chief Managing Director,
Mahanagar Telephone Nigam Limited,
5th Floor, Mahanagar Doorsanchar Sadan,
9, CGO Complex, Lodhi Road,
Lodhi Road, New Delhi – 110 003.

3. Director of Accounts,
AO (P&A) Head Quarters,
Old STD Building (Eastern Court) HQ-II,
New Delhi-I, Mahanagar Telephone
Nigam Ltd.,
New Delhi – 110 050.

...Respondents

(By Advocates: Sh. Sanjeev Yadav for R-1 and Sh. Ishant
Sharma for R-2 & 3)

ORDER (ORAL)



The applicant, who is a Group-C employee with respondents no.2 & 3, received notice dated 10.03.2021 requiring him to deposit an amount of Rs.2,91,514/- within seven days failing which recovery would be made from his salary of March, 2021 onwards. This was said to be on account of excess payment made to him due to the salary fixed w.e.f. 03.03.2000 at Rs.7,140/- instead of Rs.6,920/-, resulting drawl of one extra increment. As per the applicant, his case is squarely covered by the decision of the Hon'ble Supreme Court in the case of ***State of Punjab & Ors. vs. Rafiq Masih (White Washer) etc.*** [2014 (8) SCALE 613].

2. The applicant has prayed that the order dated 10.03.2021 may be set aside and as an ad-interim measure, the respondents be directed not to effect recovery from his salary. He has further stated that the respondents may also be directed to refund the amount of Rs.22,000/-, which has already been recovered from his salary of March, 2021.

3. Issue notice. Sh. Sanjeev Yadav appears on behalf of respondent no.1 and accepts notice.

4. At this stage, learned counsel for the applicant states that he will be satisfied if the representation dated 15.03.2021 is directed to be disposed off in a time bound manner by the respondents.



5. Accordingly, the OA is disposed off with a direction to the respondents nos.2 & 3 to pass a reasoned and speaking order on the applicant's representation dated 15.03.2021 as per rules and law, within a period of eight weeks from the date of receipt of a certified copy of this order. Till the disposal of the said representation, no recovery shall be made from the applicant's salary. It is clarified that no opinion is expressed on the merits of the case.

(Aradhana Johri)
Member (A)

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