

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JAMMU BENCH, JAMMU**

Hearing through video conferencing

**O.A. No. 62/956/2021**

This the 29<sup>th</sup> day of June, 2021



**HON'BLE MR. RAKESH SAGAR JAIN, MEMBER (J)**  
**HON'BLE MR. ANAND MATHUR, MEMBER (A)**

1. Gulzar Ahmad Wagay Aged 56 years, S/o Mohd Ismail Wagay, R/o Tral, Pulwama,-192123.
2. Ali Mohd Kumar Aged 56 years, S/o Gh. Ahmad Kumar, R/o Tral, Pulwama-192123.
3. Ab Ahad Malla Aged 59 years, S/o Ab Razak Malla, R/o Tral, Pulwama-192123.
4. Ab. Rashid Ganie Aged 58 years, S/o Hamza Ganie, R/o Chandrigam, Tral, Pulwama-192123.
5. Mohd. Ashraf Rather Aged 58 years, S/o Mohd. Ramzan Rather, R/o Tral, Pulwama-192123.
6. Sukhdev Singh Aged 58 years, S/o Kashmira Singh, R/o Chatergam Tral, Pulwama-1921234.
7. Sheetal Singh, Aged 58 years, S/o Lab Singh, R/o Hafoo Tral, Pulwama-192123.

....Applicants

(Advocate:- Mr. Areeb Javed Kawoosa)

Versus

1. The Union Territories of Jammu and Kashmir through Commissioner/Secretary to Govt., Jal Shakti (PHE) Department, Civil Sectt. J&K Srinagar/Jammu-180001.
2. Commissioner/Secretary to Govt., Finance Department, Civil Sectt. J7k Srinagar/Jammu-180001.
3. Chief Engineer Jal Shakti (PHE) Departmet, Srinagar, Near Silk Factor, Rajbagh, Srinagar-190008.
4. Superintending Engineer, Hydraulic Circle Shopian, Near Main Bazaar Shopian-192303.
5. Executive Engineer, Jal Shakti (PHE) Department, Division Awantipora, Opposite Mechanical Division, Awantipora-192122.

6. Accountant General, J&K Srinagar M.Y. Rather Avenue Exhibition Ground,  
Opposite Civil Secretariat, Srinagar-190001.

.....Respondents.

(Advocate: Mr. Sudesh Magotra, learned D.A.G. vice Mr. Amit Gupta, learned A.A.G.)



**ORDER**

**[O R A L]**

**(Delivered by Hon'ble Mr. Rakesh Sagar Jain, Member-J)**

The applicants are aggrieved of the impugned order no. A/Codes/Pension/2020-166 dated 11.02.2021 issued by Respondent No. 2 wherein it has been stated that Drawing & Disbursing Officers (DDO's) are allowing benefit of SRO-59 dated 06.02.1990 even beyond the date of withdrawal o SRO, as such they have been directed to recover the same. Furthermore, the Administrative Secretaries of Works Departments have been directed to strictly comply with the instructions related to grant of extending the benefit of SRO-59 dated 06.02.1990 and it has been further directed that in case of irregularities in pay, the DDO concerned shall be held personally responsible and the excess paid amount shall be recovered from him.

2. Learned counsel for the applicants submits that the O.A. can be disposed of by directing the respondents to issue a show cause notice to the applicants before effecting any recovery of alleged excess amount.

3. Heard Mr. Areeb Javed Kawoosa, learned counsel for the applicants and Mr. Sudesh Magotra, learned D.A.G. appearing for Mr. Amit Gupta, learned A.A.G. for the respondents and perused the records.

4. Looking to the arguments made by learned counsel for the applicants, the O.A. is disposed of with direction to the respondents that before recovering the excess amount drawn by the applicants, if any, notice would be served upon the applicants seeking their explanation regarding alleged excess amount, if drawn by them.

5. It is made clear that we have not entered into the merits of the case. No orders as to cost.

**(ANAND MATHUR)**  
**MEMBER (A)**

**(RAKESH SAGAR JAIN)**  
**MEMBER (J)**

*Arun*