

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 29TH DAY OF MAY, 2001

Original Application No. 80 of 1994

CORAM:

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

HON.MAJ.GEN.K.K.SRIVASTAVA, MEMBER9a0

Than Singh, son of Sri ram dayal
Boot maker(civilian in defence)
Jat Regiment Centre Bareilly
R/o 96,Jatavpura, Bareilly.

(By Adv: Shri G.K.Mishra)

Applicant

Versus

1. The Union of India through the Secretary, Ministry of Defence, new Delhi.
2. The Adjutant General, Brg/Org.(Pers)(a) Adjutant General Branch, Army H.Qrs, New Delhi.
3. The Commandant, Jat Regimental Centre, bareilly.
4. The Controller of Defence Accounts, Central Command, meerut.

Respondents

(By Adv: Ms.Sadhna Srivastava)

O R D E R(Oral)

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

This OA u/s 19 of A.T.Act 1985 has been filed challenging order dated 15.2.1993, 17.9.1993 and several other orders by which a direction has been issued to recover Rs.13,259.30p from the applicant which ^{due} ⁱⁿ has been drawn excess by him, between the period 15.10.1987 to 31.1.1992.

The case in short is that applicant was serving as Boot maker in Jat Regimental centre, Bareilly. By a government order dated 25.7.1985 the post of Boot maker was upgraded. Para 6(a) of the aforesaid order deals with the case of Boot maker. It reads as under:-

6(a) Bootmaker/EBR

(i) This trade is only to be upgraded from Semi skilled Grade(Rs210-290) to Skilled Grade(Rs260-400). All personnel hold on rolls as on 15 Oct.84 will be upgraded with effect from that date.

(ii) No feeder trade is available for this, hence future induction into this trade will be by direct recruitment. Personnel recruited after 15 Oct.1984 with III Certificate/Ex-Trade Apprentices/MCTVT etc, will serve in the Semi Skilled Grade for a period of two years and will then be promoted to skilled Grade.

From the aforesaid it is clear that the post of Bootmaker was upgraded from Semi skilled grade of Rs210-290 to the skilled grade of 260-400 which after IVth Pay Commission would be equivalent to Rs.950-1500. However, applicant was incorrectly given the pay scale of Rs.1200-1800 which in fact was for the post of Highly skilled Grade II and Highly skilled Gr.I. It is not the case of the applicant that he was ever promoted to the post of H.S.Gr.II or H.S.Gr.I and he was entitled for the aforesaid grade of 1200-1800. The applicant filed appeal which has been decided by the Competent Authority vide judgement dated 15.2.1994, a copy of which has been filed as (Annexure 13 to the CA). The Appellate Authority has examined the matter

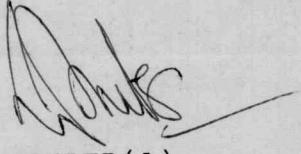
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in detail and concluded that it was only due to clerical error that applicant was paid excess amount during the said period which he is liable to pay back. It also does not amount to punishment as no reversion is involved. It was a simple case of correction of error. In these circumstances, we do not find that applicant is entitled for any relief.

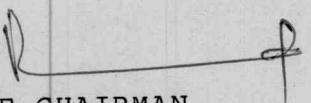
The learned counsel for the applicant, however submitted that applicant is a low paid employee, Only three years have been left for him to attain the age of superannuation and a reasonable amount of instalment of ~~rupees~~ ^{fixed} may be allowed by this Tribunal so that he may be able to pay that amount without any difficulty.

Ms. Sadhna Srivastava submitted that an amount of Rs.3459/- has already been recovered from the applicant and only an amount of Rs.9800/- has been left to be recovered. For recovery of this amount during the period of three years the instalment of Rs.300/-per month shall be reasonable which the applicant may pay without any difficulty.

This OA is disposed of finally with the direction to the respondents to recover the amount from the applicant @Rs.300/- per month from the salary from the month of July, 2001. However, there will be no order as to costs.



MEMBER(A)



VICE CHAIRMAN

Dated: 29.5.2001

Uv/