

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 14th day of March, 2001

Original Application No.738 of 2000

CORAM :-

Hon'ble Mr. SKI Naqvi, J.M.

Hon'ble Maj Gen KK Srivastava, A.M.

1. Radhey Shyam
2. Gopal Singh
3. Vishwa Nath
4. Ram Raj Singh
5. Vansh Bahadur Singh
6. Balwan Singh

All working as Labour under  
Ayudh Upaskar-Nirmani, Kanpur.

(Sri NK Sharma, Advocate)

• • • • • Applicant

Versus

1. Union of India through  
Secretary Ministry of Defence,  
New Delhi.

2. Managing Director Ayudh Upaskar Nirmani,  
Kanpur.

(Sri RK Tewari, Advocate)

• • • • • Respondents

O R D E R (O\_r\_a\_l)

By Hon'ble Mr. SKI Naqvi, J.M.

The applicants have come up seeking relief to the effect that the order dated 17-10-1994, copy of which has been annexed as Annexure-A-1 be quashed and respondents be directed not to make any recovery on account of refixation of their pay from the date prior to the date of this order(17-10-1999).

2. As per applicants' case, they are retired military personnel having been re-employed in civil posts and they were offered employment in Ordnance Equipment Factory, Kanpur through the District Soldiers Board and were given salary in the grade of Rs.196-232 per month

*S K L N*

was maximum of the pay scale of Labour Grade II. They were given Pay Commission scale wef 1-1-1986 and fixed at Rs.3200/- including allowances. By the impugned order dated 17-10-1999 the salary of the applicant has been revised and they have been placed in the pay scale of Rs.750-940 converted to Rs.2500-3200 since 1-1-1986. But vide the impugned order, they have been reduced to Rs.3080/- wef April, 2000 without giving them opportunity of being heard.

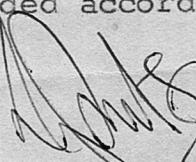
3. The respondents have contested the case and filed the counter reply.

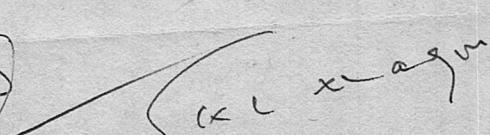
4. Heard learned counsel for the parties and perused the record.

5. In this case the order passed in OA No.939/95 has been relied from the side of the respondents whereas the applicant has relied on this Tribunal's decision in OA No.592/92.

6. We find in OA No.939/95 decided by the Lucknow Bench of the Tribunal on 22-1-1993, the decision in OA No.592/1992 has been adopted and in both these matters the recovery has been condemned on the principle that "none has to suffer because of the lapses and mistakes committed by the respondents".

7. With the above decision in view nothing remains to be decided except to adopt the same principle in the present matter as well and accordingly the respondents are directed not to make any recovery for excess payment made prior to the impugned order dated 17-10-1999. To make it more specific, the respondents can make recovery wef 17-10-1999 and not for any payment made prior to this date. The OA is decided accordingly. There shall be no order as to costs.

  
Member (A)

  
(  
Member (J)

Dube/