

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 28TH DAY OF NOVEMBER, 2002

Original Application No.1319 of 2002

CORAM:

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

HON.MAJ.GEN.K.K.SRIVASTAVA, MEMBER(A)

1. Mohd.Yasin Khan, son of Sri Yasin Khan
2. Chandra Shekhar, S/o Sri Chenu
3. Sabir Husain,S/o Late Mehandi Hasan
4. B.D.Singh,S/o Shri Bharat Singh
5. Suraj Pal Singh, S/o Sri Beer Sahai
6. Kesari Nandan,S/o Shri Satya Narain
7. Abdul Majid Khan,S/o Sri Abdul
Rahim Khan
8. Dinesh Chandra, Son of Shri Ram Baboo
9. Suresh Chandra, son of Sri Siya Ram
- 10.Gandan lal, son of Sri Daya Ram
11. Dilawar Khan, son of Sri Bahadur Khan
12. Maqsood Khan, son of Shri ~~Bhagwan Das~~ Mahboob Khan
13. M.K.Dubey son of Shri Bhagawan Das
14. Tula Ram, son of Shri Nathu Lal
15. Hari Shankar,son of Shri Sundar Lal
16. Tilak Singh, son of Shri Lal Jeet
17. Zalil Ahmad, son of Shri Zamil Ahmad
18. *Senior Civil S/o Late Bhole Girm*
All working as Diesel Assistant/Senior
Diesel Assistant/Driver(Goods) in Diesel
Lobby, Kasganj under Chief Crew Controller,
North Eastern Railway, Kasganj, district Eta.

... Applicants

(By Adv: Shri Anand Kumar)

Versus

1. Union of India through the
General Manager, North Eastern
Railway, Gorakhpur.
2. The Divisional Railway Manager,
North Eastern Railway, Izat Nagar

(By Adv: Shri K.P.Singh)

... Respondents

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O R D E R(Oral)

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

By this OA u/s 19 of A.T.Act 1985 applicants have challenged the order dated 15/16.3.2000(Annexure A-1) issued by D.R.M.(P),N.E.Railway, izat Nagar by which he directed recovery of the amount paid in excess to the applicant, the impugned order has been subject matter of consideration of this Tribunal before a Division Bench in OA 508/00 which was heard and finally decided by the division bench on 15.5.01 and following directions was given:

"As far as the recovery of over payment on account of the revised orders is concerned, the same is not permissible in the light of orders of the Apex court in the case of Shyam Babu Verma Vs.Union of India & Ors (1994) 27 ATC 121 and in the case of Bhagwan Shukla Vs.Union of India & Ors(1994) 28 ATC 258.

The applicants shall, therefore, be entitled to refund of the amount recovered by the respondents on account of revised fixation of pay. This shall be given to the applicants within a period of three months from the date of receipt of this order. there shall be no order as to costs."

The present applicants are also entitled for the similar relief.

The OA is accordingly disposed of on the same terms and conditions as contained in order dated 15.5.01 quoted above. There will be no order as to costs.


MEMBER (A)


VICE CHAIRMAN

Dated: 28.11.2002

Uv/