

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Dated : This the 20th day of August 2002.

Diary no. 3033 of 2002.

Original Application no. 946 OF 2002.

Hon'ble Mr. Justice RRK Trivedi, Vice-Chairman
Hon'ble Maj Gen KK Srivastava, Member (A)

1. Sultan Ahamad Khan,
S/o late Mohd. Umar Khan
2. Kamla Singh 'B', S/o Sri Bansi Dhar
3. Suresh Chand 'T', S/o Sri Tula Ram.

All working as Diesel Eastern Railway, Kashganj,
Distt. Etah.

... Applicant

By Adv : Sri C P Gupta

Versus

1. Union of India through the General Manager,
NE Rly., Gorakhpur.
2. The Divisional Railway Manager, NE Rly.,
Izatnagar.
3. The Chairman, Railway Board, Rail Bhawan,
New Delhi.

... Respondents

By Adv : Sri K P Singh

ORDER

Hon'ble Mr. Justice RRK Trivedi, VC.

The applicant has approached this Tribunal under section 19 of the A.T. Act, 1985, ^{for} quashing the order dated 15/16.3.2000 passed by D.R.M. NE Rly., Izatnagar, by which recovery was directed against the applicant about the amount paid in excess to them after fixation of their pay according to the recommendation of V Pay Commission.

2. The impugned order dated 15/16.3.2000 was challenged in OA no. 508 of 2000. After hearing the parties this Tribunal

2.


passed the following direction :-

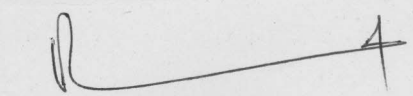
"As far as the recovery of overpayment on account of the revised orders is concerned, the same is not permissible in the light of orders of the Apex Court in the case of Shyam Babu Verma Vs. Union of India & Ors (1994) 27 ATC 121 and in the case of Bhagwan Shukla Vs. Union of India & Others (1994) 28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

We are in respectful agreement with the order of this Tribunal passed in OA 508 of 2000 and the present applicants are also entitled for the same relief.

3. The OA is accordingly allowed. The respondents are directed to refund the amount recovered from the applicants within a period of four months from the date copy of this order is filed.

4. There shall be no order as to costs.


Member (A)


Vice-Chairman

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