

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 5TH DAY OF SEPTEMBER, 2002

Diary no.295 of 2002 (OA.1006/02)

CORAM:

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

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

1. Mohd.Naem Khan, son of Mohd. Ibrahim Khan.
2. Satya Pal 'J', son of Sri jassu
3. Ram Autar, son of Tota Ram
4. Badri nath, son of Sri Ram prasad
5. Rais Minya, son of Sri pyare Minya
6. Rig dev, son of Sri pujan Lal
7. Alauddin, son of Sri Moosa Khan
8. Devi dayal, son of Sri Muththu Lal
9. Ram Bahadur, son of Sri Baboo Lal
10. Mushtaq Husain, son of Sri Mumtaz Husain
11. Ashok Kumar, son of Sri Raj Behari Lal
12. A.N.Mathur, son of Sri K.M.Mathur
13. Om baboo, son of Sri Munna Lal
14. Kamrul Jaman Khan, son of Sri Fakaruddin
15. Kishan lal, son of Sri Ram lal
16. Mahesh Chand, son of Sri Ram Charan
17. A.B.Lal, son of Sri Ram Bharose Lal
18. Jalim Ram, son of Sri Ganesh ram
19. Vijay kumar, son of SriDibba Ram
20. Rauf Husain, son of Sri Mahboob Husain
21. Safiq Ahmed, son of Fazal Ahmed(Retd), all working as Diesel Assistants under Chief Crew Controller, Diesel Lobby, Bareilly City, N.E.Railway, izat Nagar.

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22. Lalji, son of Sri Ram Bali
23. Sohan Lal, son of Sri Sargai Lal
24. Zahid Khan, son of Sri Abid Khan
25. B.S.Saxena, son of Sri Laxmi Shanker Saxena
26. Parmeshwari Prasad, son of Sri Mangroo
27. Chhidami Lal, son of Sri Sukh LalRs
28. Brij Lal, son of Sri Sardar
29. Abid Husain, son of Sri Pyare Minya
30. Pothi Ram, son of Sri Roop Ram
31. Mohd. Sabid Khan, son of Mohd.Hasim Khan

All working as Diesel Assistants under  
Crew Controller, Diesel Lobby, N.E.Railway  
Pilibhit

32. Ashok Kumar Lal, son of Sri Mohan lal
33. Madan lal, son of Sri Banke Lal
34. Hira Lal, son of Sri Chunni Lal
35. Arjun Singh son of Sri Chanda Baboo
36. Anand Singh Thapa, son of Sri Ram Singh Thapa
37. Keshav Dutt, son of Sri Trilochan Dutt  
All working as Diesel Assistants under  
Crew controller, Diesel Lobby,  
North Eastern Railway, Kathgodam

38. R.P.Dubey, son of Sri R.S.Dubey
39. W.S.Zaidi, son of Sri S.H.Zaidi

40. Ram Ratan, son of Sri Shiv Charan  
All working as Diesel Assistants  
under Crew Controller, Diesel Lobby,  
North Eastern Railway, Kashipur.

41. Jamuna Prasad, son of Sri Lalloo Ram

42. Ramji Mal, son of Sri Sewa Ram

43. Gorakh Bhagat, son of Sri Keshari Bhagat

44. Ram Prasad S/o Balak Ram  
All working as Diesel Assistants under  
Crew Controller, Diesel Lobby,  
North Eastern Railway, Diesel Lobby  
Fatehgarh.

... Applicants

(By Adv: Shri C.P.Gupta)

Corrected  
vide order dated  
8/11/2003  
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Mantse

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(By Adv: Shri C.P.Gupta)

Versus

1. Union of India through the General Manager, North Eastern Railway, Gorakhpur.
2. The Divisional Railway Manager, North Eastern Railway, Izat Nagar
3. The Chairman, Railway Board, Rail Bhawan, New Delhi.

... Respondents

(By Adv: Shri K.P.Singh)

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 No.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

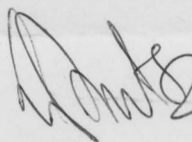


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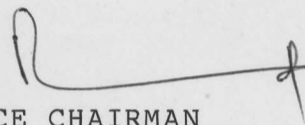
within a period of three months from the date of receipt of this order. There shall be no order as to costs."

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: 5th September, 2002

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