

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD

RA/M.A/O.A./T.A./ 646 1989

G C Bhanu & Ors. Applicant (s).

D K Vyas Adv. for the
Petitioner (s).

Versus

Union of India v. Respondent (s).

S S Ajmera Adv. for the
Respondent (s).

SR. NO.	DATE.	ORDERS.
		Recovery (Copy not Served)
21-12-89	RAO received from Resp no. 2	
06/1/90	RAO received from Resp. 1	
	→ This matter is not placed on Board of 21/12/89 due to S. 13 constituted	
	25/1/90	
23/1/90	Reply filed by Mr. Jodar for Mr. S. D. Ajmera for respondents.	
12/2/90	This matter is not placed on board of 12/2/90 Date to leave notice from Mr. D. K. Vyas	
	DOFA	

JAD

22/02
O.A./446/89

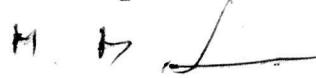
with

MA/78/90

Coram : Hon'ble Mr. G.S.Nair : Vice Chairman
Hon'ble Mr. M.M.Singh : Administrative Member

15/3/1990

Heard Mr.D.K.Vyas and Mr.J.D.Ajmera, learned counsel on either side. The application is admitted. Considering the nature of the relief claimed in the application, we are proposed to dispose it of finally. Final orders passed.


(M.M.Singh)
Administrative Member


(G.S.Nair)
Vice Chairman

a.a.bhatt

27 (3)

1. Shri Ghanshyam G.Bhatt
2. Shri Bhagvandas J.Buch
Yogi Park, Near Dadavav
Sihor, Plot No.247 BI No.5

: Applicants

Versus

1. Union of India,
Postal Communication Department,
New Delhi.

2. Post Master General,
Gujarat Circle,
Ahmedabad.

: Respondents

Coram : Hon'ble Mr. G.S.Nair : Vice Chairman
Hon'ble Mr. M.M.Singh : Administrative Member

O.A. /446/89

O R A L O R D E R

Date: 15/3/1990

Per: Hon'ble Mr. G.S.Nair : Vice Chairman

In this application the applicants who were employed on daily wages to work ~~short duties~~ staff under the respondents and who ~~were seem~~ ^{as duty} ~~have since~~ retired from service, challenge the order dated 10.10.88 under which certain amounts are proposed to be recovered from them on account of alleged over payments. It is alleged that the decision is illegal and arbitrary and has been made without affording the applicant an opportunity ^{of being heard} to hear.

From the impugned order it is clear that these applicants were paid at the same hourly rate to which ~~the~~ ^{the} applicants RTP staff was entitled. But it was on the basis of an order of the Post Master General, Ahmedabad fixing the hourly rate at a lower slab with effect from 28.7.86 that the recovery ^{is} ~~was~~ proposed to be made on the ground of over payment.

This is a case where the applicants while in service were duly paid in accordance with the existing rates. After having retired it is not opened to the

respondents to recover any amounts from their pension on the basis of a revision of the rates which has been made with retrospective effect. Ex-facie the order is arbitrary and illegal and cannot be sustained in law.

In the result, we quash the order dated 10.10.88 and direct the respondents to refund immediately the amount if any that has been recovered from the applicants ^{Said} pursuant to the decent order.

The application is allowed ^{as above} *Lesley*

M M S
(M.M.Singh)
Administrative Member

G.S.Nair
(G.S.Nair)
Vice Chairman

a.a.bhatt