

**ORDER DATED 10.7.2009**

Heard the learned counsel for the parties and perused the materials on record.

In this application the applicant has prayed for quashing the order of recovery of excess amount paid to the applicant due to wrong fixation of pay. The said order is at Annexure-A-2 dated 7.11.04-2005.

The Respondent-Department, by filing their counter reply have contested the prayer of the applicant.

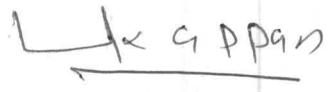
The point to be decided herein has been decided already by this Tribunal in Original Application No. 733/2007...wherein it has been held that the Respondent-Department are free to re-fix the pay scale and review order, but the amount already paid to the applicants due to wrong fixation by the authorities should not recovered.

Having regard to this, we do not want to make a departure from the view already taken by us in similar matters. In the circumstances, we quash the impugned order of recovery at Annexure-A/2 and direct the Respondent-Department to re-fix the pay of the applicant with a view to setting right the wrong. We also direct, if any amount has been recovered already from the applicant before the impugned order of recovery could be stayed or

otherwise, the same shall be refunded to him within a period of thirty days from the date of receipt of this order.

The O.A. is disposed of as above. No costs.

  
(C.R.MOHAPATRA)  
ADMINISTRATIVE MEMBER

  
(K.THANKAPPAN)  
JUDICIAL MEMBER