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**CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK**

Original Application No. 260/0090 of 2015  
Cuttack, this the 25<sup>th</sup> day of February, 2015

**CORAM**  
**HON'BLE MR. A.K. PATNAIK, MEMBER (J)**  
**HON'BLE MR. R. C. MISRA, MEMBER (A)**

.....

Binodini Hota,  
aged about 48 years,  
W/o Mr. Ashok Kumar Mohapatra,  
Vill- Parichha Sahi, Banapur, PO/PS- Banapur,  
Dist- Khurda, Pin-752031 (ODISHA)  
At present residing at – Jawahar Navodaya Vidyalaya Campus,  
Qr. No. Type-III/24, Mundali, PO- Mundali, PS- Barangia,  
Dist-Cuttack-754006 (ODISHA).

...Applicant

(Advocates: M/s. N.Bisoi, M.M.Swain, M.Panda )

**VERSUS**

Union of India Represented through

1. Secretary,  
Dept. of School Education and Literacy,  
Ministry of Human Resource Development,  
Govt. of India, New Delhi.
2. Commissioner,  
Navodaya Vidyalaya Samiti,  
B-15, Institutional Area, Sector-62, NOIDA,  
Dist- Gautam Budh Nagar, Uttar Pradesh.
3. Deputy Commissioner,  
Navodaya Vidyalaya Samiti, Regional Office,  
A-135A, Gate No.:2 Alakapuri,  
Bhopal-462024 (Madhya Pradesh)  
E mail : nvsrobpl@gmail.com
4. Deputy Commissioner,  
Navodaya Vidyalaya Samiti, Regional Office,  
Boring Road, Opposite A.N.College,  
Patna-800013 (BIHAR)  
E mail : ptnavodaya@rediffmail.com

*[Signature]*

5. Principal/Drawing and Disbursing Officer,  
Jawahar Navodaya Vidyalaya,  
At-Mundali, Dist- Cuttack-754006 (Odisha).
6. Principal/Drawing and Disbursing Officer,  
Jawahar Navodaya Vidyalaya,  
At/PO-Masaria Dam, Dist- Gumula, State-Jharkhand.
7. Office Superintendent,  
Jawahar Navodaya Vidyalaya,  
At-Mundali, Dist- Cuttack-754006 (Odisha).
8. Umakanta Pradhan (TGT-Odia),  
Jawahar Navodaya Vidyalaya,  
At/PO-Tarbod, Dist- Nuapada, State-Odisha.
9. Mrs. C.P.Kar (TGT-Odia),  
Jawahar Navodaya Vidyalaya,  
Angul, Odisha.

... Respondents  
(Advocate: Mr. U.B.Mohapatra )

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### ORDER (ORAL)

#### A.K.PATNAIK, MEMBER (JUDL.):

Heard Mr. N. Bisoi, Learned Counsel for the Applicant, and Mr. U.B.Mohapatra, Ld. Sr. Central Govt. Standing Counsel appearing for the Respondents, on whom a copy of this O.A. has already been served, and perused the materials placed on record.

2. The applicant has filed this O.A. under Section 19 of the Administrative Tribunals Act, 1985 with the following relief:

“(i) To declare the office order dated 19.08.2014 vide Annexure-A/12 Series illegal, unjust, unfair and unenforceable,

(ii) Not to recover the amount of Rs. 69586/- (Rupees Sixty nine thousand five hundred eighty six) in installments from the salary of the applicant vide Annexure-A/12 series pursuant to Annexure-11; and

(iii) To restore the pay fixation w.e.f. dt. 03.07.2002 to 31.08.2013 i.e. to restore the basic scale of Pay i.e. Rs. 7100/- fixed w.e.f. 03.07.2002 and

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accordingly to restore the pay fixed in the month of July 2013 i.e. Rs. 19470/- as that of her counterparts which has been reduced since the month of September 2013 and to regularize such pay from the month of September 2013 and pay her dues in the form of arrears, which has been reduced w.e.f. September 2013 vide Annexure-A/12 series pursuant to Annexure-A/11.”

3. Brief facts of the case are that the applicant was initially appointed as Trained Graduate Teacher in Odia in Jawahar Navodaya Vidyalaya, Bhopal Region on 03.07.1990 and continued as such for more than 24 years. After completion of 12 years of service since her joining, she was given Sr. Scale of Pay in the pay scale of Rs. 6500-200-10500/- and her pay was fixed at Rs. 7100/- w.e.f. 03.07.2002. Applicant's grievance is that after 12 years of such pay fixation, Respondent No.5 issued Office Order dated 19.08.2014 vide Annexure-A/12 series to recover an amount of Rs. 69,586/- on account of wrong pay fixation for the period from 03.07.2002 to 31.08.2013 and further her pay has been reduced to Rs. 6900/-. It has been stated that the aforesaid recovery and reduction of pay has been done without giving any prior notice or opportunity of being heard to the applicant. Mr. Bisoi, Ld. Counsel for the applicant, submitted that ventilating her grievance, the applicant preferred representation to Respondent No.5 on 22.08.2014, which has been duly forwarded to Respondent No.3 vide Annexure-A/14, but till date no response has been received by the applicant.

4. Since the representation has been made and is said to be pending before the Respondent No.3, without expressing any opinion on the merit of the case, we consider it appropriate to give a direction to Respondent No.3 to dispose of the representation dated 22.08.2014 of the applicant, if the same is still pending, with a reasoned and speaking order and communicate the result thereof to the applicant within a period of 60 days from the date of receipt of copy of this order.

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It is made clear that till the representation is considered and result communicated to the applicant, no further recovery shall be made from the applicant from the month of March onward. If in the meantime the aforesaid representation has been considered and disposed of then the result thereof be communicated to the applicants within a period of two weeks from the date of receipt of a copy of this order.

5. With the above observation and direction this O.A. stands disposed of at the stage of admission.

6. On the prayer made by Mr. Bisoi, learned counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent Nos. 3  
~~4~~ and 5 by Speed Post for which he undertakes to deposit the postal requisites by 27.02.2015.

7. Free copy of this order be made over to Mr. U.B.Mohapatra, Ld. Sr. CGSC. Urgent certified copy of this order be given to the Ld. Counsel for the applicant, as per rules.

  
(R.C.MISRA)  
MEMBER(Admn.)

  
(A.K.PATNAIK)  
MEMBER(Judl.)

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