

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No. 547/2011

Jodhpur, this the 6th day of April, 2016

CORAM

Hon'ble Dr. K.B.Suresh, Judicial Member

Hon'ble Ms. Praveen Mahajan, Administrative Member

Sumer Singh Champawat s/o Shri Ratan Singh, aged about 48 years, resident of 5, Major Mod Singh building, Balniketan Road, Ratanada, Jodhpur, at present employed on the post of Dy Manager Marketing, Central Wool Development Board, C-3, Shastri Nagar, Jodhpur

.....Applicant

By Advocate: Shri P.S.Bhati

Versus

1. Union of India, through Secretary, Ministry of Textile, New Delhi.
2. Central Wool Development Board, through its Chairman, presently being officiated by Vice Chairman and Joint Secretary, Ministry of Textiles, Government of India, Udyog Bhawan, New Delhi.
3. Executive Director, Central Wool Development Board, Ministry of Textiles, C-3 Shastri Nagar, Jodhpur.
4. Shri K.K.Goyal, Executive Director, Central Wool Development Board, Ministry of Textiles, C-3 shastri Nagar, Jodhpur

.....Respondents

ORDER

Heard the matter.

2. Both parties agree that Ann.A/1 and A/2 were issued only on the ground of an audit objection while vide Ann.R/R/9 audit objections have been withdrawn. It is noted in this connection that it has been further explained by the concerned authority vide Ann.R/R/11, which we quote here:-

"Subject:- OA No. 547/2011 dated 9.12.2011 filed in CAT Jodhpur by Sh. Sumer Singh Champawat.

Sh. Sumer Singh Champawat, Dy. Marketing Manager, Central Wool Development Board, filed an OA No.547/2011 dated 9.12.2011 filed in Hon'ble CAT Jodhpur against the orders of re fixation of pay and recovery of Rs. 2,63,117/- on the basis of an audit para No.9 issued vide IC III/IR/130/K 12/2010-11/2895-96 dated 29.3.2011 which was forwarded to DAG/CC on 14.12.2011 for scrutiny and taking necessary for presenting the case before CAT Jodhpur.

Accordingly, DAG/CC vide letter No. CC/Audit/K-12016/418/2011/Tr-653 dated 6.1.2012, on OA No.547/2011 dated 9.12.2011 has clarified that the MACP (new) scheme came into effect from 1.9.2008 while the official was given the benefit under ACP (old) scheme on 16.1.2007, wherein the benefit of the scale available in the hierarchy of the department was admissible, hence the contention of the audit that the official was entitled to next grade available in the pay scales under 6th CPC appears to be incorrect. Though the 6th CPC were applicant from 1.1.2006, the MACP came into effect from 1.9.2008 as clarified by CC. Hence the cases of assured career progression between 1.1.2006 to 31.8.2008 were to be decoded under the ACP Scheme and the official was entitled to grade pay Rs. 6600 in the pay band - 3 in conformity with the pre revised scale of 10,000-15200 which was the next higher scale in their hierarchy.

It was seen that the CWDB neither furnished any reply to the audit memo 15 dated 28.12.2010 or to the audit para 9 of the

of Sh. Champawat and intimated this office 11.11.2011 that action for recovery of the amount has been initiated.

Now in view of the clarification by CC, it is evident that the audit para regarding incorrect grant of MACP to Sh. Champawat is not correct and the same cannot be defended in the CAT, hence we may settle the para and intimate CWDB for taking necessary action.

Sd/-

AAO/IC II

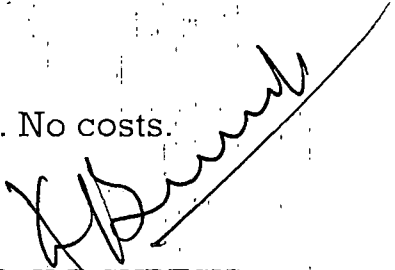
Sr. AO/IC III".

3. Therefore, it appears that the Board has relied only on the audit objection, which has caused prejudice to the applicant. Since the audit objection has been withdrawn therefore, it is up to them to re-examine the matter in the light of Ann.R/R/11 and pass appropriate orders so that the benefits can be restored to the applicant. This exercise may be done within next two months.

4. In any way, since the recovery had already been stayed, therefore, there is no question of recovery.

5. The OA stands disposed of in above terms. No costs.


(PRAVEEN MAHAJAN)
Administrative Member


(DR. K.B. SURESH)
Judicial Member

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