

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.139/2005

Monday, this the 8th day of August 2005.

CORAM:

**HON'BLE MRS. SATHI NAIR, VICE CHAIRMAN
HON'BLE MR. K.V.SACHIDANANDAN, JUDICIAL MEMBER**

1. H.Kesava Sarma,
S/o late Harihara Sundaram,
Senior Accountant,
Office of the Accountant General (A&E),
Thiruvananthapuram.
2. M.Sukumaran Asari,
S/o late P.I.Kesavan Achary,
Senior Accountant,
Office of the Accountant General (A&E),
Thiruvananthapuram.
3. O.G.Rosamma,
W/o V.S.Samuel,
Senior Accountant, Office of the
Accountant General (A&E)
Thiruvananthapuram. Applicants

(By Advocate Shri Babu Joseph Kuruvathazha)

Vs.

1. Accountant General (A&E),
Office of the Accountant General,
Thiruvananthapuram.
2. The Comptroller and Auditor General of India,
New Delhi.
3. Union of India rep. by its Secretary to
Government, Ministry of Finance,
New Delhi. Respondents

(By Advocate Smt.Mariam Mathai, ACGSC)

The application having been heard on 8.8.05
the Tribunal on the same day delivered the following:

ORDER

HON'BLE MRS. SATHI NAIR, VICE CHAIRMAN

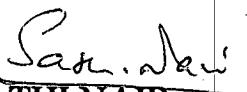
The applicants 3 in number are working as Senior Accountants in the office of the Accountant General (A&E)(R-3), Thiruvananthapuram. According to them their pay refixed by recalculating their notional pay as Senior Accountant as on the date of their respective promotions. Subsequently, this refixation was annulled by the impugned orders. The applicants challenge the said orders on the ground that if amounts have been paid erroneously or excess amount have been drawn, the same shall not be recovered, even if the pay scale is scaled down reducing the irregular increment granted.

2. The respondents have filed a reply statement contending that, the recovery was due to the judgement of the Hon'ble High Court of Kerala which has upheld the order of this Tribunal and no Special Leave Petition has been filed before the Apex Court and no stay order has been in force against that judgment. However, no recovery has been effected from the applicants and some amount has been withheld from the DCRG of the 1st and 2nd applicants. Once the Hon'ble High Court of Kerala upheld the verdict of this Tribunal and the applicants are not parties to the earlier O.As. of this Tribunal, this O.A. is devoid of merit.
3. When the matter was taken up, learned counsel for the applicant has produced a copy of the judgment in an identical case in O.A.385/04 which has been dismissed by this Bench of the Tribunal and hence, there is no need to interfere with the order in this case.
4. In the light of the above facts and since these applicants are also similarly placed like the applicants in O.A.385/04, we do not find any merit in the O.A. and the same is dismissed. No costs.

Dated the 8th August, 2005.



K.V.SACHIDANANDAN
JUDICIAL MEMBER



SATHI NAIR
VICE CHAIRMAN