

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 384 of 1995

Thursday, this the 8th day of August, 1996

CORAM

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN
HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

1. Smt. Ratnabai Kolathur,
Newsreader-cum-Translator,
All India Radio,
Kozhikode - 673 032 .. Applicant

By Advocate M/s Menon and Menon (represented)

Versus

1. Union of India represented by
Secretary,
Ministry of Information and Broadcasting,
New Delhi.

2. The Director General,
All India Radio, Akashavani Bhavan,
Parliament Street, New Delhi - 110 001

3. The Station Director,
All India Radio,
Kozhikode.

4. The Pay and Accounts Officer,
All India Radio,
Madras. .. Respondents

By Advocate Mr. MHJ David J, ACGSC

The application having been heard on 8th August 1996,
the Tribunal on the same day delivered the following:

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Applicant seeks a declaration that recovery of incentive increments granted to her 11 years ago is illegal. A further direction to respondents, to grant the stagnation increment withheld in consequence, is also sought.

2. Applicant, like many others, joined the service of the All India Radio on 1.4.1960 on contract basis. Contracts were

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being renewed from time to time, and for long years employees were continued on contract basis. Pursuant to a decision of the Supreme Court, option was extended to such employees to join Government service, and on 21.5.1992 applicant opted to become a Government servant. Annexure A-2 order was passed on 11.1.1993, treating her as a Government servant with effect from 6.3.1982.

3. Thereafter, the impugned order Annexure A-3 was passed, informing her that two incentive increments granted to her on 1.9.1983 were irregular:

"since she had opted to become a Government servant from 6.3.82."

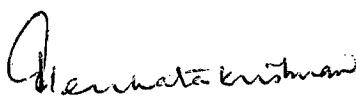
She was made a Government Servant with retrospective effect by 11 years and then a payment made 11 years ago is sought to be recovered.

4. A monetary claim for recovery cannot be enforced after 11 years of payment. Quite apart from that, even if it is a wrong payment, it cannot be recovered at this distance of time in the light of the principles enunciated in Shyam Babu Verma & Ors Vs. Union of India & Ors [(1994) 2 SCC 521].

5. The increments in question will be restored. As a corollary, the order passed regarding stagnation increments will stand quashed. We are told that applicant has retired from service on 31.3.1995. The retiral benefits will be finalised and paid within two months from today.

6. Original Application is allowed with costs which we fix at Rs.1000/- (Rupees One Thousand).

Dated the 8th August, 1996


P V VENKATAKRISHNAN
ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

List of Annexures:

- 1. Annexure A2: Photo copy of the Office Memo No.CLT.4(1)93-94 dated 11/1/93 issued by the Station Engineer,All India Radio,Calicut to the applicant.**
- 2. Annexure A3: Photocopy of the letter PAO/AIR/MSI/PEN/V 94-95/203 dated 21/7/94 sent by the 4th respondent to the 3rd respondent.**