

**CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH  
LUCKNOW**

**ORIGINAL APPLICATION NO.42/2011**

This, the 24<sup>th</sup> day of November, 2016

**HON'BLE MR. JUSTICE VISHNU CHANDRA GUPTA, MEMBER(I)**  
**HON'BLE MR. K. N. SRIVASTAVA MEMBER (A)**

Lal Bihari Singh aged about 42 years S/o Sri Anusiya Prasad Singh R/o Village & P.O. Mazaruddinpur Distt. Faizabad at present as GDSMD Konchha (Mazaruddinpur) Distt. Faizabad.

Applicant

By Advocate: Shri R. S. Gupta.

VERSUS

1. Union of India through the Secretary Department of Post, New Delhi.
2. Senior Superintendent of Post Offices, Faizabad.
3. Sub Divisional Inspector (South), Faizabad.
4. Senior Post Master Faizabad.

Respondents

By Advocate: Shri S. Saxena.

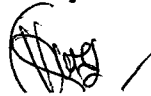
**ORDER (ORAL)**

**BY HON'BLE MR. JUSTICE V. C. GUPTA, MEMBER(I)**

Heard the Ld. Counsel for the parties and perused the records.

2. The factual matrix of the case is that the applicant was appointed on 5.8.1997 to the post of EDMP, which is now re-designated as GDSMC. The said post was in the pre-revised TRCA slab of Rs. 286/- + D.A. The corresponding revised pay scale of the post is Rs. 1545-25-2020/-. Inadvertently the applicant was given the pay scale of Rs. 1740-30-2640/-.

When this defect was noticed by the respondents they



ordered the recovery of the excess amount and the same has also been recovered.

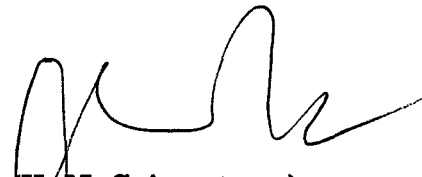
3. The applicant in the instant O.A. has prayed for the following main reliefs:-


“(a) That this Hon’ble Tribunal may kindly be pleased to quash the orders dated 12.4.2010 and 4.5.2010 as contained as Annexure No. A-1 & A-2 and restore the wages/TRCA scale of the applicant i.e. Rs. 1740-30-2640/- with all consequential benefits.

(b) Issue a direction to the opposite parties to refund the amount already recovered from the pay/TRCA of the applicant due to reduction of TRCA scale of the applicant with all consequential service benefits along with interest @ 24% on all arrear refund.”

4. The order of recovery purported to have been passed by the respondents has, however, not been challenged by the applicant in the instant O.A. As such, the applicant cannot be allowed to challenge the fixation of TRCA in this O.A.

5. In view of the above, we are of the opinion that the O.A. is misconceived and the same is accordingly dismissed. However, liberty is granted to the applicant to challenge the order of recovery passed by the applicant and seek refund of the recovered amount by filing a fresh O.A. No order as to costs.

  
(K. N. Srivastava)  
Member (A)

  
(Justice V. C. Gupta)  
Member (J)