

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No. 491/89
~~TxAxxNo.~~

198

DATE OF DECISION 8.11.1989

Shri S.S.Patole & two others Petitioners

Shri S.Paul Sundararajan Advocate for the Petitioner(s)

Versus

Union of India and others Respondents

Shri R.K.Shetty Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. M.B.Mujumdar, Member (J)

The Hon'ble Mr. M.Y.Priolkar, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement ? *Yes*
2. To be referred to the Reporter or not ? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement ? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal ? *No*



(8)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY 400 614

DA.NO. 491/89

1. Shri S.S.Patole
2. Shri N.G.Mondhe
3. Shri N.R.Netawane

Junior Checkers,
Currency Note Press,
Nashik Road 422 101.

.. Applicants

V/S.

1. Union of India, through
Secretary to the Govt. of India,
Ministry of Finance,
Deptt. of Economic Affairs,
New Delhi.

2. The General Manager,
Currency Note Press,
Nashik 422 101.

.. Respondents

CORAM: Hon'ble Member (J) Shri M.B.Mujumdar
Hon'ble Member (A) Shri M.Y.Priolkar

Appearances:

Mr. S. Paul Sundararajan
Advocate
for the Applicants

Mr.R.K.Shetty
Advocate
for the Respondents

ORAL JUDGMENT

Dated: 8.11.1989

(PER: M.B.Mujumdar, Member (J))

Heard Mr. Paul Sundararajan for the applicants and
Mr.R.K.Shetty for the respondents.

2. The respondents have filed their reply opposing
admission and interim relief.

3. The relevant facts are these :- The Central Civil
Services (Revised pay) Rules, 1973 were notified on 13.11.1973.
These rules were given retrospective effect from 1.1.1973.
According to these rules employees were required to give

option within three months. Accordingly, all the employees in the Currency Note Press at Nashik exercised their option and arrears due to them were paid in 1974 itself. However, at the instance of the National Council of the Joint Consultative Measure, Government of India, Ministry of Finance, Department of Economic Affairs issued a memorandum dated 13.3.1984 and permitted the employees to exercise a revised option. Accordingly, about 307 employees in the Currency Note Press exercised their option in 1984 to come over to the revised pay from a date subsequent to 1.1.1973. Since the period involved for the purpose of calculation of arrears was more than 12 years involving more than 300 employees, there was delay in preparation of pay bills of arrears. But before the pay bills were prepared, the employees were paid some ad-hoc lump sums on sample calculation by taking undertakings from the employees that any over payments would be recovered from them subsequently.

4. On actual calculation it was found that about 254 employees were overpaid. It was decided to recover this excess amount paid to them by instalments of varying amounts. Thus it was decided that if the over payment was upto Rs.2000/- the amount should be recovered by instalments of Rs.200/-p.m., if the amount of over payment was upto Rs.3000/- the excess amount should be recovered by instalments of Rs.300/- p.m., if the amount of over payment was upto Rs.4000/- the excess amount should be recovered by instalments of Rs.400/- p.m. and if the amount of over payment was upto Rs.5000/- then the instalments per month should be Rs.500/-. Accordingly, a notice was put on the Notice Board on 1.6.1989 of the Currency Note Press directing the employees to check the statement of arrears in the Accounts Section between 3.00 to 5.00 p.m. from 15th to 20th June 1989.

5. On 2.6.1989 the three applicants have filed this application challenging the deductions of their salaries as per the notice of the respondents. It is mentioned in para 6 of the application that the three applicants are filing this application in a representative capacity. They have also filed a statement signed by about 109 employees authorising them to file this application. But we find that the calculations in respect of each of them was separate. Hence, it is desirable that if any employee is aggrieved by the calculation, he should file a separate application showing how the calculation is wrong. Hence, we reject permission to the three applicants to file this application in a representative capacity.

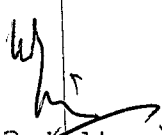
6. By order dated 2.6.1989 we have issued notices to the respondents regarding admission and interim relief. Interim relief claimed was for restraining the respondents from deducting the amount from their monthly salary. On 16.6.1989 respondents have filed their reply opposing admission and interim relief. By order passed on that date the Single Member directed that the case be fixed before a Division Bench for admission and interim relief on 22.6.1989. On 22.6.1989, at the request of applicant No. 1 the case was adjourned to 12.7.1989. On 12.7.1989 Mrs. Shubhangi Jadhav learned advocate for the applicants stated that the applicants are willing to inspect the accounts made by the respondents. Hence, we directed that the inspection should be given on 8.7.1989 in the Office of the Chief Accountant, Currency Note Press at Nashik. We are told by Mr. R.K. Shetty, learned advocate for the respondents that nobody came to inspect the accounts either on that date or on any subsequent date. On the next date, i.e. on 23.8.1989 respondents filed a due and drawn statement in respect of the three applicants. On


12.10.1989 we directed the respondents to bring the relevant record atleast so far as the three applicants are concerned. Accordingly, they have brought the relevant record regarding the present applicants. The record shows that the calculations are checked by three different officials. Mr. Paul Sundararajan, who appears for the applicants, was unable to show how that calculation is erroneous. In fact, as per our direction given on 12.7.1989 some of the applicants or their advocate should have gone to the office of respondents on 8.7.1989 for taking inspection. They did not do so either on that date or any other subsequent date till today.

7. Mr. Shetty stated that the amount due to the respondents from the applicant No. 1 is fully recovered. The amount due to them from applicant No. 2 & 3 is being recovered in instalments. Some instalments are deducted from their salaries. The calculation made by the respondents is not shown to be wrong. We find no merit in this application.

8. Hence, the application is summarily rejected with no order as to costs.

9. However, as we have rejected permission to file this application in a representative capacity, the other employees may file separate application(s), if they so want, after making separate representations to the respondents showing how the calculations are wrong. If their representations are rejected by the authorities, they may come to this Tribunal by filing separate applications.


(M.Y. Pralokar)
Member (A)


(M.B. Mujumdar)
Member (J)