

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH, BANGALORE

DATED THIS THE TWENTYFOURTH OF NOVEMBER 1986

Present : Hon'ble Shri Ch. Ramakrishna Rao .. Member (J)

Hon'ble Shri P. Srinivasan .. Member (A)

Application No 517/86(F)

Gugan Ram,  
Civilian Carpenter,  
Pioneer Corps Training Centre,  
Bangalore.

.. Applicant

(Shri M.S.Nagaraja .. Advocates)

Vs

Commandant,  
Pioneer Corps Training Centre,  
JC Nagar,  
Bangalore-6.

.. Respondent

(Shri M.S.Padmarajaiah .. Advocates)

O R D E R

The applicant is working as a Carpenter and Joiner in the Pioneer Corps Training Centre (PCTC), Bangalore. His grievance is that though he was appointed to the grade of 100-3-130 (revised to 225-308 in 1973 and again to Rs 260-400 in 1984) with effect from 10.7.1963 when he was posted as Carpenter and Joiner (Industrial) at the Station Workshop, Baroda, and continued to draw pay in the same scale or in the corresponding revised scale from time to time thereafter—he was transferred to Pioneer Corps Training Centre, Alwar on 24-5-70, where he was allowed the same scale of pay,—as result of an audit objection he was suddenly brought down in 1975 to the revised grade of Rs. 210-270 corresponding to the prerevised scale of Rs. 85-110 on which the applicant was borne before 1963. He complains that not only has he been brought down in pay scale but excess pay said to have been

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drawn by him in the past is also sought to be recovered. His prayer in this application is that the respondents should be directed to fix <sup>his</sup> the scale of pay in the scale of Rs.260-400 and not to recover any arrears from him on account of over payment made in the past.

2. Dr.M.S.Nagaraj, learned counsel for the applicant, has pointed out inter alia that in the case of another person who was in the same situation viz. Shri Ram Kumar, a similar objection was taken and his pay was sought to be brought down and recovery effected as a result. Ultimately the Administration agreed not to make any recovery from him and to protect the pay which he was already drawing. The case of the applicant, he contends, is identical and so not giving the protection of pay and insisting on recovery of over payments from him amounts to discrimination.

3. Shri M.S.Padmarajaiah, learned counsel for the respondents opposes the contention of Dr.Nagaraj and contends that Govt. is entitled to recover over payment of salary in the past if such over payment had occurred due to a mistake. While admitting that in the case of Shri Ram Kumar which is also referred to in the reply of the respondents at page 5, his pay had be protected, he states that merely because Ram Kumar was given a concession the applicant is not entitled to the same.

4. We have examined the matter carefully. We feel that after having allowed the applicant to draw pay in the higher scale for nearly 12 years-it was the administration which appointed him in the scale of Rs.100-3-130 in 1963- it was not fair to reduce it

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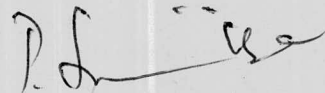
suddenly and that too with retrospective effect demanding recovery of the amounts paid in the apst. Even more so because in the case of a person similarly circumstanced i.e., Shri Ram Kumar the respondents have agreed to protect the pay drawn by him and not to effect recovery of the over payment made in the past. We are satisfied that the case of Shri Ram Kumar is not different from that of the applicant. We would, therefore, direct the respondents to treat the case of the applicant exactly as that of Shri Ram Kumar and to give him all the benefits that were given to Shri Ram Kumar.

5. In the result the application is allowed as indicated above.

No order as to costs.



Member(J)



Member(A)

ak.