

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 :. Srinivasan .. Member (A)

APPLICATION NO.739/86

Kulwant Singh,
Civilian Black Smith,
Pioneer Corps Training Centre,
Bangalore 6. .. Applicant

(Sri M.S.Nagaraj.. Advocate)

Vs.

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

(Sri M.S.Padmarajaiah .. Advocate)

O R D E R

The applicant is working as civilian Blacksmith in Pioneer Corps Training Centre (the Centre), Bangalore. He was appointed as a permanent Blacksmith from 14.8.1963 at Station Workshop, EME, Ambala Cantt. in the pay scale of 100-3-130. He was transferred on 27.1.1968 to Station Workshop, EME, Kanpur, where he continued to draw pay in the same pay scale. He was then transferred to the Centre at Bangalore where he joined on 28.3.1968 as Blacksmith where also he continued to draw increments on the same scale and on the corresponding revised scale of pay from time to time till May 1975. In 1975, on the basis of an audit objection in which it was stated that the pay scale of the applicant's post when he was initially appointed in the station workshop, EME, Ambala Contonment should have been Rs.85-110-revised

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subsequently to Rs.210-270 and that pay allowed to him on the old scale of 100-3-130 and ~~the~~ in the corresponding revised pay scales from time to time was incorrect, his pay was sought to be reduced and brought into the revised scale of Rs.210-270 and recovery was ordered of over payment of salary said to have been made to him in the past. He is aggrieved with the order by which he has been brought down to a lower pay scale and has been ordered to pay back over payment said to have been made in the past.

2. Dr. M.S. Nagaraj, contends that after having allowed the applicant to draw pay in the scale of 100-3-130 and on corresponding revised scales for 12 years, the respondents should not have suddenly brought down his pay and more so without giving him an opportunity of being heard. He drew our attention to the case of a certain Ram Kumar, Carpenter, in the same organisation, also referred to in the reply of the respondents, where a similar audit objection was taken by Government decided to "regularise the over payment" made to him in the past in the prrevised scale of 100-3-130 and to allow him to continue in the revised scale of 225-308. He submits that the case of the applicant is identical with that of Shri Ram Kumar and by not extending the same benefit to the applicant the respondents had discriminated against him.

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3. Shri M.S. Padmarajaiah, learned counsel for respondents strongly supported the action of the respondents and contended that they had every right to correct an error committed in the past and as a result to rectify the pay of the applicant and to order recovery of the over payment made in the past. The case of Ram Kumar cannot help the applicant.

4. We have considered the matter carefully. We are satisfied that the case of the applicant is in no way different from that of Shri Ram Kumar. We, therefore, direct the respondents to extend the same benefits to the applicant as was done to Shri Ram Kumar.

5. In the result the application is allowed as indicated above. There will be no orders as to costs.

Chandrasekhar

Member (J)

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Member (A)

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