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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH

Original Application No. 754/90

Shri Bismillah Shaikh Son of
Shri D.Shaikh,
Residing at Block No.16, 11Ind floor,
Kahkashan Hsg. Society,
Govindwadi, Kalyan, Dist. Thane. Applicant

Vs.

The Union of India, through

1. The General Manager,
Central Railway, Bombay V.T.

2. The Senior Divisional Railway
Manager,
Central Railway, Bombay, V.T.

3. The Senior Divisional Personal
Officer, Central Railway,
Bombay V.T. Respondents

Appearance

Mr.N.C.Saini,
Advocate for the
Applicant.

Mr.B.T.Bhalerao,
Head clerk in the
office of DRM, Central Railway
Bombay V.T.

CORAM : Hon'ble Member Shri D.Surya Rao, M(J)
Hon'ble Member Shri P.S.Chaudhuri, M(A)

ORAL JUDGEMENT

DATED : 9.11.1990

(PER D.SURYA RAO)
M(J)

Applicant herein now working as Dy.Chief Controller,
Central Railway, Bombay, V.T. is aggrieved by order No.BB/
P/T/A/M dated 6.9.1990 (Annexure D) to the application)

whereby he was informed that his pay was wrongly fixed.

By this order it is proposed to refix his pay from time to time and it is directed that in case any overpayment has been made, it will be recovered through regular pay sheets. The applicant contends that no notice was issued and so the impugned order of 6.9.1990 is illegal. He seeks a direction that the order may be declared illegal and void and that the action being taken by the respondents to reduce his pay by about Rs.500/- from month to month and that recovery of alleged overpayment be stopped. The applicant had made a representation dated 28.9.1990 to the Divisional Railway Manager, Central Railway, Bombay, V.T., but no action has been taken thereon.

2. The applicant is represented by learned counsel Mr. N.C.Saini. Shri B.T.Bhalerao, Head Clerk in the office of DRM, Central Railway, Bombay V.T., is present for the respondents. After hearing learned counsel for the applicant and Shri B.T.Bhalerao and perusing the application and the material papers filed therein and the application/representation dated 28.9.1990 preferred by the applicant, we are of the view that this application can be disposed of at the stage ^{of P.} ~~for~~ admission with a

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direction to the Divisional Railway Manager, Central Railway, Bombay, V.T. to dispose of the representation made by the applicant dated 28.9.1990 within a period of two months from the date of receipt of a copy of this order. Further, the operation of the impugned order dated 6.9.1990 will be stayed till thirty days after the disposal of the representation dated 28.9.1990 made by the applicant.

39 We dispose of the application at the admission stage itself with this direction. There is no order as to costs.



(P.S. Chaudhuri)
M(A)



(D.S. Surya Rao)
M(J)