

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 29.7.94.

OA 1056/92  
(OA71/89)

YAD RAM SHARMA ... APPLICANT.

Vs.

UNION OF INDIA & ORS. ... RESPONDENTS.

CORAM:

HON'BLE MR. JUSTICE D.L. MEHTA, VICE CHAIRMAN.  
HON'BLE MR. O.P. SHARMA, MEMBER (A).

For the Applicant ... SHRI J.K. KAUSHIK.

For the Respondents ... SHRI MANISH BHANDARI.

PER HON'BLE MR. JUSTICE D.L. MEHTA, VICE CHAIRMAN.

Heard the learned counsel for the parties. The respondents issued letters dated 9.1.89 (Annexure A-1) and dated 10.1.89 (Annexure A-2) for the recovery of the amount which has been paid to the applicant on account of his change of seniority. The applicant was granted special pay of Rs 35/- on account of his fixation in the grade of OGI and he was paid the special pay w.e.f. 31.12.76. The respondents revised the seniority list and directed that on account of the revision of the seniority the applicant became junior and accordingly he was not entitled for the post on which he has worked. As such, the excess amount paid to the applicant should be recovered from him. An employee is entitled for the salary of the post on which he has worked and no recovery can be affected on the ground that on account of the revised seniority the applicant has become junior. There is also violation of the principles of natural justice.

2. In the result, we direct that no recovery should be made of the excess amount paid to him on account of holding the higher seniority.

3. The OA stands disposed of accordingly, with no order as to costs.

( O.P. SHARMA  
MEMBER (A) )

( D.L. MEHTA )  
VICE CHAIRMAN