

24

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:

AT HYDERABAD

O.A.NO. 140 of 1990

Date of Order:23/02/1990

1.M.Anand Raj 2.K.Raghunandan 3.K.A.Rasheed 4.T.Ramulu  
5.AR.Gangaiah 6.CS.Lingam 7.Smt.Drothy Joseph  
8.C.Vijay Kumar

...Applicants.

Versus

1.The Secretary, Ministry of  
Defence, New Delhi

2.The Accounts Officer, Jt.CDA(R&D), DRDL campus, Kanchan Bagh,  
Hyderabad.

3.Director, Defence Electronics Research Laboratory, Hyderabad.

For Applicant:

Mr.T.Jayant, JDO

For Respondents:

Mr.E.Madan Mohan Rao,  
Addl.CGSC

...

C O R A M:

HON'BLE SHRI B.N.JAYASIMHA: VICE CHAIRMAN

HON'BLE SHRI D.SURYA RAO: MEMBER(JUDICIAL)

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(Judgment delivered by Shri D.Surya Rao, Member(Judicial)

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1. The applicants seek to question the order no.  
LAO/R & D/8555, dated 7-9-1989 passed by the 2nd respondent  
viz., Accounts Officer, Kanchanbagh, Hyderabad, whereby  
the 3rd respondent ordered recovery of over-payments from  
the applicants herein.

2. The case of the applicants is that their pay was  
fixed under FR 22(a)(i) by stepping up of pay to that  
of their juniors pay. Subsequently, by the impugned  
order referred to above, it was held by the Accounts

contd....2

To:

1. The Secretary, (Union of India) Ministry of Defence,  
New Delhi.
2. The Accounts officer, Jt.CDA (R&D) DRDL Campus, Kanchanbagh,  
Hyderabad-500 258.
3. The Director, Defence Electronics Research Laboratory  
(DLRL) Chandrayanagutta, Hyderabad-500 005.
4. One copy to Mr.T.Jayant, Advocate, 17-35B, Srinagar colony,  
Gaddiannaram, P&T colony, P.O. Dissuknagar,  
Hyderabad-500 660.
5. One copy to Mr.E.Madan MohanRao, Addl.CGSC, CAT, Hyderabad.
6. One spare copy.

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Done  
for  
#1

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28/1/60

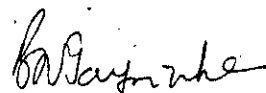
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Officer that there were some irregularities in regard to the pay fixation of the applicants and he directed recovery of over-payment to the extent of Rs.3900/- from each of the applicants. The applicants claim that this recovery is illegal. The applicants submitted representations on 27-9-1989 objecting to the recovery stating that their pay fixation had been properly done.

3. We have heard Shri T.Jayant, learned counsel for the applicant and Shri E.Madan Mohan Rao Standing Counsel for the Department.

4. The application is premature in that representations dated 27-9-1989 submitted by the applicants to the 2nd respondent are yet to be disposed of and six months are not over since the date of submission of the representations. As Such, Section 20 of the Administrative Tribunals Act is a bar to the filing of the application at this stage. In these circumstances, we direct the respondents to dispose of the representations of the applicants submitted on 27-9-1989 questioning recovery. We, further, direct that pending disposal of the representations no ~~further~~ recovery from the salary of the applicants will be made <sup>hereafter</sup>. The application is disposed of accordingly. No costs.

(Dictated in open court)

  
(B.N.JAYASIMHA)  
Vice Chairman

  
(D.SURYA RAO)  
Member(Judl.)

Dt. 23rd February, 1990.

SQH\*

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DEPUTY REGISTRAR(J)

28/2/90

REPORT BY: GND

Typed by:

IN THE CENTRAL ADMINIS  
HYDERABAD BE

HON'BLE MR.B.N.JAYASIMHA: (V.  
AND  
HON'BLE MR.D.SURYA RAO:MEMBER (J.  
AND  
HON'BLE MR.J.NARASIMHA MURTHY: (M)  
AND  
HON'BLE MR.R.BALASUBRAMANIAN: (M) (A)

DATED: 23-2-90

ORDER/JUDGMENT: ✓

M.A./R.A./C.A./No. in  
T.A.No. (U.P.No. )  
O.A.No. 140/90

~~Admitted and Interim directions  
issued.~~

~~Allowed.~~

~~Dismissed.~~

Disposed of with direction *accordingly*  
M.A. Ordered. *No costs*

~~No order as to costs.~~

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