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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH : AT HYDERABAD

DA 515/93.

Dt. of Order: 28-1-94.

M. Satya Rao

...Applicant

Vs.

1. Sr. Divisional Personnel Officer,
SC Rlys, Vijayawada.

2. Divisional Railway Manager,
SC Rlys, Vijayawada.

...Respondents

* * *

Counsel for the Applicant : Shri G.V. Subba Rao

Counsel for the Respondents : Shri C. Venkata Malla Reddy,
SC for Rlys

* * *

CORAM:

THE HON'BLE JUSTICE SHRI V. NEELADRI RAO : VICE-CHAIRMAN

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (A)

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As the Government dues can be recovered without the consent of the employee from the final settlement benefits in terms of Serial Circular No.162/85, the same dues were adjusted at the time of his retirement from D.C.R.G. As he had represented about his the deduction only on (25.10) 1992 he was informed of the same by R-1 vide his letter dt. 4.12.1992.

3. The main point for consideration is whether he is entitled for loyal increment in terms of letter No.P(S.C.)/645/A-I/4-6-74 as he was on leave from 9.5.74 to 16.5.74 during the strike period. The relevant portion of this circular reads as below:-

"In view of the difficult circumstances that prevailed during the strike, the Board have decided that one advance increment should be given to each of those officers and staff who had stuck to their posts and done arduous duties to keep the Railways functioning. The criteria for grant of this advance increment will be 'attendance from the very first day of strike, attendance despite intimidation, threats of violence and hardship in coming to the place of duty'. The fact that a good number of officers and staff had to work round-the-clock, without rest, and shouldering additional responsibilities, will have to be taken into account. Staff should have been continuously on duty during the strike period, except for interruption due to exceptional circumstances e.g. death in the family or hospitalised."

4. As per this circular advance increment should be given to those employees who had stuck to their posts and done arduous duties to keep the Railways functioning. As is evident from the leave records which was perused (S) by us, he was on full pay leave from 9.5.74 to 12.5.74 and leave on

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half average pay from 13.5.1974 to 16.5.1974. Hence, he did not fulfil the above stipulation of sticking to his post and performing arduous duties to keep the Railways functioning. He did not attend duties from the start of the strike. As per the above circular the staff should also be continuously on duty during the strike period except for interruptions due to exceptional circumstances e.g. death in the family or hospitalised. In such contingencies also a short interruption of one or two days may be condoned. But there is no reason to be away from duty on leave during the entire strike period. Though ^{the} learned counsel for the applicant submitted that the applicant was bitten by a dog on the night of 8.5.1974 ^{and} hence he was under Railway Medical treatment. But this explanation does not explain the ~~the~~ reason for the absence for the whole strike period when his services were essentially required. As he has not fulfilled the condition stipulated in the above said letter dt. 4.6.1974 for grant of advance increment to loyal workers, he cannot claim the increment benefit on par with loyal workers. || The applicant also contends that the dues have been recovered without his consent. Respondents have stated in their reply that Govt. dues can be recovered without the consent of the pensioner from settlement benefits as contained in Service Circular No.162/85 and as the circular was not challenged, we see no irregularity in the said recovery from the D.C.R.G.

5. In the result, we see no irregularity in the recovery of Rs.3835-85 from the final settlement dues of DCRG of

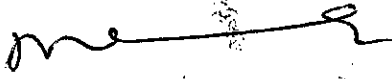
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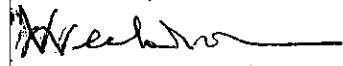
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the applicant being the excess payment of erroneous grant of loyal increment and hence this O.A. is only liable to be dismissed. Accordingly we do so. No costs.


(R. Rangarajan)
Member (Admn.)


(V. Neeladri Rao)
Vice-Chairman

Dated 28th January, 1994.

Grh.


Deputy Registrar (Judl.) cc

Copy to:-

1. Sr. Divisional Personnel Officer, S.C. Railway, Vijayawada.
2. Divisional Railway Manager, S.C. Railway, Vijayawada.
3. One copy to Sri. G.V. Subba Rao, advocate, CAT, Hyd.
4. One copy to Sri. C.V. Malla Reddy, Addl. CGSC, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

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Admn
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