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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

Original Application No.1168/95.

Dt. of Order:19-6-96.

Between :-

C.J.Ramesh

Applicant

And

1. The General Manager, Telecom Area,  
Visakhapatnam.
2. The Chief General Manager, Telecommunica-  
tions, A.P.Circle, Doorsanchar Bhavan,  
Nampally, Hyderabad.

...Respondents

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Counsel for the Applicant : Shri K.Venkateshwar Rao

Counsel for the Respondents : Shri N.R.Devaraj, Sr.CGSC

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CORAM:

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

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... 2.

(Orders per Hon'ble Sri R.Rangarajan, Member (A) ).

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None for the applicant.Sri W.Satyanarayana for  
Sri N.R.Devraj, for the Respondents.

2. The applicant was appointed as a Stenographer from 3-5-1984 in the Department of Telecommunications and he has been working in that capacity thereafter. He appeared for the speed test in English Short Hand at 120 words per minute held on 5-6-88. He was declared qualified in that test. On the basis of passing the speed test, it is stated that he was granted two advance increments in the scale of Rs.1200-2040 with effect from 5-6-88 in terms of letter No.TA/STB/49-5/III dt.11.8.88 as part of basic pay for having acquired speed of 120 words per minute in Short-Hand . It is further stated that it was sought to recover the excess payment made on the basis of the above fixation as the two increments granted as above has to be treated as personal pay to be absorbed against future increments vide letter No.TAV/Staff/Pay fixation/94-95 dt.18-7-95 issued by Respondent No.1 in accordance with the orders contained in CGMT - Hyderabad (Respondent No.2) Lr.No.TA/STB/49-5/III, dt.22.5.95. It is also the submission of the applicant that the excess recovery sought to be made by the above impugned orders are passed without affording him an opportunity to represent his case by giving him due notice.

(20)

3. Aggrieved by the above, this O.A. is filed praying for a declaration that the applicant is entitled for drawing the two advance increments granted to him in the scale of pay of Rs.1200-2040 as part of basic pay for having acquired a speed of 120 words per minute in short-hand as per letter No.TA/STB/49-5/III dt.11.8.88 and the action of the Respondents in refixing the pay by treating the two advance increments as personal pay and seeking to recover the alleged excess payment from 5-6-88 vide letter No. TAV/Staff/Pay fixation/94-95/21 dt.18-7-95 issued by the second respondent in accordance with the orders contained in the letter of Respondent No.1 vide letter No.TA/STB/49-5/III, dt.22.5.95 is illegal, unjust and for a further direction to restrain the respondents from recovering the same.

4. Notice before admission was given on 28-9-95 when the following interim order <sup>was</sup> passed :-

"Until further orders, the recovery as per the impugned order No.TAV/Staff/Pay fixation/94-95/21 dt.18-7-95 is stayed."

5. This O.A. was admitted on 29-1-96 but even today no reply has been filed. It is well settled <sup>that</sup> law whenever any recovery of excess payment has to be made an opportunity to the employee should be given before such recovery is made <sup>and</sup> on the basis of the reply given by the employee an appropriate decision by the competent authority has to be taken in regard to the recovery of excess payment. In this case it is stated by the applicant that the recovery

(21)

order dt.18-7-95 was issued without giving him an opportunity to explain his case. In view of the above, the order of recovery has to be set aside and further liberty has to be given to the respondents to issue a notice to the applicant in accordance with the law and decide <sup>further</sup> the course of action on the basis of the reply received from the applicant.

"The impugned order No.TAV/Staff/Pay fixation/94-95/2 dt.18-7-95 is set aside."

7. However, this will not stand in the way of Respondent No.1 to issue a proper notice in accordance with the law to the applicant in regard to the recovery of the excess payment and to decide the issue on the basis of the reply of the applicant following the extant rules.

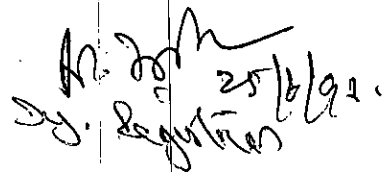
8. The O.A. is ordered accordingly. No order as to costs.



(R.RANGARA JAN)  
Member (A)

Dated:19th June, 1996.  
Dictated in Open Court.

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25/6/91.  
Dy. Registrar

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O.A.NO.1168/95

Copy to:

1. The General Manager,  
Telecom Area,  
Visakhapatnam.
2. The Chief General Manager  
Telecoms, Doorsanchar Bhavan,  
Nampally, Hyderabad.
3. One copy to Mr.K.Venkateswar Rao, Advocate,  
CAT, Hyderabad.
4. One copy to Mr.N.R.Devraj, Sr.CGSC,  
CAT, Hyderabad.
5. One copy to Library, CAT, Hyderabad.
6. One duplicate copy.

YLKR

04/7/96/95  
DA/1168/95  
TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

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

DATED: 19/6/96

ORDER/JUDGEMENT  
O.A. NO. /R.A/C.P. No.

in

O.A. NO. 1168/95

ADMITTED AND INTERIM DIRECTIONS ISSUED  
ALLOWED  
DISPOSED OF WITH DIRECTIONS  
DISMISSED  
DISMISSED AS WITHDRAWN  
ORDERED/REJECTED  
NO ORDER AS TO COSTS.

YLKR

II COURT

No Spare Copy

