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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. 448/95.

Dt. of Decision : 16-08-96.

J. Jagannadha Rao

.. Applicant.

Vs

1. The Sal Commissioner,
Jaipur, Rajasthan.
2. The Dy.Salt Commissioner,
Madras, Tamil Nadu.
3. The Asst.Salt Commissioner,
Kakinada, Andhra Pradesh.

.. Respondents.

Counsel for the Applicant : Mr. M.Keshava Rao

Counsel for the Respondents : Mr. N.V.Raghava Reddy, Addl.CGSC.

CORAM:

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

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ORDER

Oral Order (Per Hon'ble Shri R.Rangarajan, Member (Admn.)

Heard Mr. M.Keshava Rao, learned counsel for the applicant and Mr.N.V.Raghava Reddy, learned counsel for the respondents.

2. The applicant in this OA was appointed as Inspector of Salt on 26-12-1963 in the respondents organisation. He was promoted initially as Inspector of Salt, Selection Grade, on 17-12-83 by office order No.A.32016/4/83/Ad.I/44143. However with the approval of the competent authority the date of conferment of selection grade in the post of Inspector of Salt of the applicant was changed to 20-4-84 by order No.C.No.A.32016/4/83-Admn. dated 8-10-87 (Annexure-I). Thereafter he was promoted as Dy. Superintendent of Salt in the grade of Rs.550-900/- w.e.f. 29-12-84.

The applicant challenged the change of conferment of Selection Grade from 17-12-83 to 20-4-84 by filing OA.No.489/92 on the file of this Bench. That OA was disposed of by order dated 15-2-93. The change of date of conferment of Selection Grade was upheld by the judgement in the above referred OA. But it was held that "the ends of justice would be met if the recovery of overpayment up to the date of issue of the valid order on 14-10-87 is waived. Thus, while giving liberty to the respondents to effect recovery of ~~xx~~ overpayment, we direct that it be limited only to the period beyond 14-10-87".

4. It is now stated by the applicant that the recovery of Rs.10,546/- as per the impugned order No.C.No.9(51)Ad./61/18 & 17-09 dated 14-09-95 (Annexure-V) is not in consonance with the direction of this Tribunal in OA.489/92. He further submits that the recovery has been made as per the revised fixation statement issued vide letter No.C.No.9(51)Ad./61 dated 5-6-91

(Annexure-III). He further avers that if the recovery has been made in accordance with the direction of this Tribunal in OA.489/92 there will be no overpayment and hence no recovery will be involved. Though, the applicant submitted a representation dt. 22-9-95 (Annexure-VI) resisting against the recovery, that representation does not indicate the calculation made by him by ~~which~~ explaining why no recovery can be effected in view of the judgement in OA.489/92. It is stated that no reply has been given to that representation.

5. Aggrieved by the above, he has filed this OA to set aside the impugned letter No.C.No.9(51)Ad./61/18407-09 dated 14-09-95 (Annexure-I) and for a consequential direction to fix his pay in the grade of Selection Grade Inspector from 20-4-84 as per the judgement of this Tribunal in OA.No.489/92 and to further grant him all consequential benefits.

6. The respondents in the reply affidavit at page-6 stated that the recovery has been calculated strictly following the judgement of this Tribunal in OA.489/92 dt. 15-2-93. Recovery ~~max~~ for the period from 14-10-87 to 30-6-91 is only ordered by the impugned order. Hence the present petition is not sustainable.

7. There is no legal point involved in this case. The actual calculation has to be made by the applicant/in accordance with the judgement of this Tribunal in OA.489/92 dt. 15-2-93. As per that calculation if no amount or only an amount less than what is indicated in the impugned order is to be recovered from him that calculation should be submitted to R-2 for perusal. If such a calculation is received, R-2 should examine the calculation and compare the same with the official calculation made ~~for~~ for recovery of Rs.10,546/- as per the impugned order dt. 14-9-95. If the calculation of the applicant is found to be in order any

excess amount recovered from him should be returned back to him. If the respondents come to the conclusion that the calculation made by the applicant is incorrect than the correct calculation should be sent to him indicating therein the error committed by the applicant in his calculation for arriving at the amount to be recovered.

8. In view of the above, the following direction is given:-

The applicant may submit a detailed calculation in regard to the recovery to be made in accordance with the judgement of this Tribunal in OA.489/92 dated 15-2-93 to R-2. If such a calculation is received from the applicant, R-2 should examine the same and compare that calculation with that of the calculation made officially. If the respondents agree with ~~in~~ the calculation made by the applicant any excess recovery made has to be returned back to the applicant. If the respondents do not agree with the calculation made by the applicant, the applicant should be informed of the error in his calculation and also send a detailed official calculation to him for his perusal. If the applicant is going to be aggrieved by the reply to be given he is at liberty to initiate such legal proceedings as deemed fit.

9. The OA is ordered accordingly. No costs.

on
(R. Rangarajan)
Member(Admn.)

Dated : The 14th August 1996.
(Dictated in Open Court)

M. A. M.
Dy. Registrar

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OA.1448/95.

Copy to:-

1. The SaltCommissioner, Jaipur, Rajasthan.
2. The Dy. Salt Commissioner, Madras, Tamil Nadu.
3. The Asst. Salt Commissioner, Kakinada, A.P.
4. One copy to Sri. M. ^Aeshava Rao, advocate, CAT, Hyd.
5. One copy to Sri. N.V.Raghava Reddy, Addl. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-

Ans
TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH, HYDERABAD

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

DATED: 16/8/95

~~ORDER/JUDGEMENT~~

M.A. NO/R.A/C.A. NO.

D.A. NO.

IN
144895

ADMITTED AND INTERIM DIRECTIONS ISSUED

~~ALLOWED~~

~~DISPOSED OF WITH DIRECTIONS~~

~~DISMISSED~~

~~DISMISSED AS WITHDRAWN~~

~~ORDERED/REJECTED~~

~~NO ORDERS AS TO COSTS~~

* * *

No Spare Copy

