IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

ORIGINAL APPLICATION NO.741/[illegible]

DATE OF ORDER : 25-06-1997.

Between :-

N.Swamiji

.. Applicant

And

1. The Director of Accounts,
   Postal, Station Road,
   Abids, Hyderabad.

2. The Dy.Director General (T&E)
   O/o The Director General,
   Dept. of Posts,
   Dak Bhavan, Sansadmarg,
   New Delhi - 1.

.. Respondents

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Counsel for the Applicant : Shri Krishna Devan

Counsel for the Respondents : Shri V.Rajeswara Rao, CGSC

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CORAM:

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

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (J)

(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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... 2.

A2/P3

(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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Heard Sri Krishna Devan, Counsel for the applicant and Sri V.Rajeshwar Rao, standing counsel for the respondants. The applicant while working as Accountant was promoted to the next higher grade of APM (Accounts) in the payscale of Rs.1400-2300 vide memo No.ST/25/75/KW dt.3-3-89 at Visakhapatnam. The pay of the applicant then fixed under FR 22(c) but it was revised and it was held that the pay fixation under FR 22(c) ~~is~~ was not [illegible] order and hence it was sought to recover an amount of Rs.2,[illegible] in monthly instalments from the pay and allowances of the applicant from May, 1992 onwards and the said recovery was completed on 28-2-95. Aggrieved by the above recovery, the applicant filed OA 1156/95 on the file of this Bench. That OA was disposed of by judgement dt.26-3-96 by seting aside the impugned order of recovery dt.4-5-92 and further direction was given to decide this issue after giving a show cause notice to the applicant. It is now stated that a show cause notice was issued to him and on the basis of the show cause notice the respondant No.2 dec[illegible] recover excess amount of Rs.3,568/- by the impugned memora[illegible] No.2-135/95-PAP dt.15-10-96 (Annexure-IV to the OA).

2. This OA is filed for seting aside the impugned order dt.15-10-96 issued by the respondant No.2 and for a consequential direction to re-fix his pay from 15-3-89 under FR 22(c) and consequently refund the excess amount of Rs.3,568/- recovered by order No.3/Admn.I/S-A II/JAO/NS dt.4-5-92 and pay the arrears consequent to refixation accordingly.

3. Even when this OA was heard, it was contended that the post of Accountant and APM (Accounts) are in simil... ...e and no higher responsibilities are involved in the discha... of duties of APM (Accounts) and hence the applicant cannot ask for fixation of pay under FR 22(c).

4. Similar contentions were made in OA 1434/93. After hearing both sides, this Tribunal allowed that application and directed the respondents therein to fix pay of the applicant therein under FR 22(c). In view of the above, the present case is treated as a covered case and the following directions given :-

> The pay of the applicant should be fixed from the date of his promotion as APM (Accounts) under FR 22(c). The recovered amounts should be returned back to the applicant. The arrears due to the fixation should be paid to the applicant within 3 months from the date of receipt of a copy of this order.

5. The O.A. is ordered accordingly at the admission stage itself. No costs.

प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY

न्यायालय अधिकारी
COURT OFFICER
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
हैदराबाद न्यायपीठ
HYDERABAD BENCH