

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

R.A.No. 18/99  
in  
O.A.No. 327/97

Date of Order : 25.3.99

BETWEEN :

1. D.P. Majundar
2. T.V.R.K.Rao
3. B.G. Krishna
4. M.R. KrishnaRao
5. M.A. Saleem

.. Applicants.

AND

1. Union of India, rep. by its  
Secretary, Ministry of Labour,  
Shramasakthi Bhavan, New Delhi.
2. Director General of Employment and  
Training, Shramasakthi Bhavan, Rafi Marg,  
New Delhi.
3. Secretary, Ministry of Personnel &  
Admn. Reforms, Govt. of India,  
New Delhi.
4. Comptroller and Auditor General  
of India, New Delhi.
5. Director, Advanced Training Institute,  
Vidyanagar, Hyderabad.

.. Respondents.

Counsel for the Applicants

.. Mr. P.B. Vijaya Kumar

Counsel for the Respondents

.. Mr. V. Rajeswara Rao

CORAM :

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

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

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O R D E R

X As per Hon'ble Shri B.S.Jai Parameshwar, Member (J) X

Mr.P.B.Vijaya Kumar, Learned counsel for the applicant, None for the respondents.

2. The applicants in the OA have filed this application praying to review the order dated 4.2.99 passed in the OA. The OA was disposed of to the effect that there is no higher responsibilities involved and hence the pay should be fixed by adopting the normal rule. But the applicant, now in this RA submits that the upgradation involved is a promotion and those who <sup>were</sup> ~~have~~ promoted earlier and later were fixed in the <sup>of pay</sup> higher scale following FR 22(c) and hence the applicants who were promoted due to upgradation should also be given that concession.

3. This point has been considered fully in the judgement. Hence there is no need for review as far as this point is concerned.

4. In the prayer in OA the applicant requested for <sup>I was straightforward</sup> waiver of the recovery to be effected as the recovery is effected after a long lapse of time. Though this was one of the prayer in the OA no final direction had been given in the judgement in this regard. We now feel that no direction



should be necessary. It should be done in accordance with the rules. The learned counsel for the applicant brought to our notice that the applicants are at the fag end of their service and by recovering a huge amount would put them in indigent circumstances when they retire. Hence he requests that the recovery should be stopped. For this he relies on the judgement of the Supreme Court reported in 1994 (27) ATC 121 (S.P.Verma and others v. Union of India).

5. We have gone through the judgement. In that judgement the recovery was sought to be effected after a very long length of time. Whereas the length of time in initiating the recovery in this case is not a long lapse of time. However in view of the fact that the applicants are to retire shortly the respondents may have to take a lenient view. The Government at ~~the same time~~ cannot attempt to recover a huge sum causing disadvantage to its employees. Hence we feel the respondents shall recover to the extent of ~~recoverable~~ 50% of the amount from the applicants herein in a phased manner so as to ensure that the applicants are not put to any financial strain.

6. With the above direction the RA is disposed of.

NO costs.

Fee of the Applicant  
or preparation  
or application for copy  
No of pages  
copying fees  
agent fees  
TOTAL FEE  
for which demand is made  
for which paid  
date of payment  
date of delivery of copy

sd

SECTION OFFICER  
Central Administrative Tribunal  
Hyderabad, Telangana