

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. Majumdar
2. T.V.K.K. Rao
3. B.G. Krishna
4. M.R. Krishna Rao
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

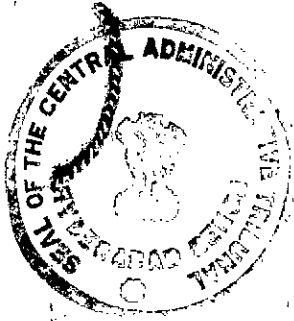
Counsel for the Respondents

.. 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

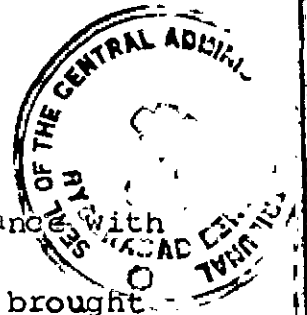
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Mr.P.B.Vijaya Kumar, learned counsel for the applicant., None for the respondents.

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 submit^s that the upgradation involved is a promotion and those who ^{were} ~~have~~ promoted earlier and later were fixed in the higher scale ^{of pay} following IR 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 waiver of the recovery to be effected as the recovery ^{was thought to} is be^{ing} 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 50% of the amount ^{recoverable} 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.

NO... ..
No. of the Applicant... ..
No. of pages... ..
Copying fees... ..
TOTAL... ..
Date of... ..

SECTION OFFICER
Central Administrative Tribunal
New Delhi