

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH

AT HYDERABAD

O.A.No.827/99Date of Order:10.4.2000

BETWEEN :

1. E.Satyawathi

2. P.Ammaji

..Applicants.

AND

1. Union of India, rep. by its Secretary,
Ministry of Defence, Govt. of India,
South Block, DHQ PO, New Delhi.2. The Flag Officer, Commanding-in-Chief,
HQRS, Naval Base PO,
Visakhapatnam.3. The General Manager, Naval Armament Depot,
NAD Post Office,
Visakhapatnam.

..Respondents.

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Counsel for the Applicants ..Mr.P.B.Vijaya Kumar

Counsel for the Respondents ..Mr.B.N.Sharma

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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

)((As per Hon'ble Shri R.Rangarajan, Member(Admn.)))(

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Mr.Sunil for Mr.P.B.Vijaya Kumar, learned counsel
for the applicant and Mr.M.C.Jacob for Mr.B.N.Sharma,
learned standing counsel for the respondents.



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2. There are two applicants in this OA. They were initially recruited as unskilled labourers in the Naval Armament Depot, Visakhapatnam. Afterwards both of them were promoted as semi-skilled labourers in other trades of Armament Depot. While fixing their pay on promotion as semi-skilled labourers their pay was fixed in the pre-revised scale of Rs.210-280 (now revised to Rs.2650-4000). When the matter stood thus some of the employees who were seniors to the applicants herein have^d filed OA.1533/93 which is enclosed as Annexure-1 to the OA on the file of this Tribunal alleging that they being the seniors were drawing less pay than the applicants in that OA. That OA was disposed of as under :-

From the afore-stated it would be evident that if the over payment made to the juniors is recovered, the applicant would have no case. If however, for any reason administrative or otherwise, the respondents decide not to recover the overpayment from the juniors, the case of the applicants requires to be reconsidered by the respondents so that the resultant anomaly for which the applicants are not responsible, is eliminated. It is expected that the respondents resolve this issue keeping in view the aforesaid observation.

3. In view of the above observation the pay of the applicants herein was revised and they were informed that their earlier pay fixation was not in order and it was decided to revise pay fixation and to recover over payments made to the applicants by office letter dated 25.5.95 and as the above could not be complied in time it is being processed further and his pay will

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be refixed in consultation with the authorities. The impugned order of the applicant No.1 is dated 12.11.98 at Annexure-5 and the order of the 2nd applicant is dated 12.11.98 at Annexure-4. Both the applicants were informed by letter dated 30.3.99 (A-8) informing that an amount of Rs.13,791-40 ps. as far as the applicant No.1 is concerned and Rs.7,934-14 ps. ^{from the} ~~for~~ applicant No.2 is proposed to be recovered from their pay and allowances as per guide lines laid down in Rule 179 of Financial Regulations Part-I Vol.I.

4. Aggrieved by the above this OA is filed to set aside the proceedings No.30.3.99 in respect of applicant No.1 and dated 3.4.99 in respect of applicant NO.2 issued by R-3 refixing and ordering recovery of alleged excess payment of the salary.

5. The contentions raised in this OA and the prayer are same as the contentions and prayer in OA.258/99 which is disposed of on 6.1.2000. That OA was dismissed for reasons stated therein. This OA is also liable to be dismissed ^{ful} ~~on~~ the same reasons.

6. The learned counsel for the applicant submits that it is proposed to file a revision ^{ew} ~~on~~ petition in OA.258/99 for reviewing the judgement. But nothing has been filed. In the absence of any R.A. ~~is~~ available on the file it is not necessary to wait and the judgement delivered thereon ^{will hold good}.

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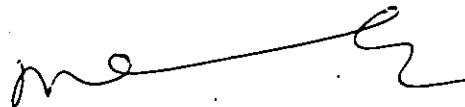
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7. In view of the above, the OA is dismissed. No costs.


(B.S. JAI PARAMESHWAR)
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Member (Judl.)



(R. RANGARAJAN)

Member (Admn.)

Dated : 10th April, 2000

(Dictated in Open Court)



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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH, HYDERABAD

1ST AND 2ND COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

COPY TO:

1. HOHND
2. HRRN(ADMN) MEMBER,
3. HBSJP(JUDL)MEMBER
4. D.R. (ADMN)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

THE HON'BLE MR. JUSTICE D.H. NASIR
VICE-CHAIRMAN

THE HON'BLE MR. R. RANGARAJAN
MEMBER (ADMN)

THE HON'BLE MR. B.S. JAI PARAMESHWAR
MEMBER (JUDL)

DATE OF ORDER 10/4/2000

MA/RA/CP.NO.

IN

OA.NO.

827/99

(7 copies)

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

C.P. CLOSED

R.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER REJECTED

NO ORDER AS TO COSTS

