

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A No.270/95

Date of order: 23/3/2001

S.N.P.Khichi, S/o Shri Premrajji Khichi, R/o 192/21,
Surya Darshan, Nasirabad Road, Adarsh Nagar, Ajmer.

...Applicant.

Vs.

1. Union of India through the Secretary to the Govt of India, Mini. Planning, Deptt of Statistics, New Delhi.
2. Chief Executive Officer, Mini. of Planning, Deptt. of Statistics, Sardar Patel Bhawan, New Delhi.
3. Director NSSO(FOD), Pushpa Bhawan, Madangir, Delhi.
4. Regional Asstt.Director, Govt. of India, Mini. of Planning, Deptt.of Statistics NSSO(FOD), Sogani Bhawan, Naya Bazar, Ajmer.

...Respondents.

Mr.S.R.Chourasya - Counsel for applicant.

Mr.Hemant Gupta, Proxy of Mr.M.Rafiq- Counsel for respondents.

CORAM:

Hon'ble Mr.S.K.Agarwal, Judicial Member

Hon'ble Mr.A.P.Nagrath, Administrative Member.

PER HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER.

In this O.A the applicant makes the following relief:

- a)(i) To fix his pay correctly from 1.1.86 at Rs.2480 PM in scale Rs.1600-2660.
- ii) To allow next increment on 1.5.86 or on 1.1.86 itself as submitted in para 4(13) above alongwith arrears of pay and allowances thereto by suitably ammending office order dt.4.5.94 and 31.8.94 (Annex.A1 & A2).
- iii) To allow fixation on promotion to post of Supdt. wef 20.7.90 under FR 22(a)(i) from 1.1.91 under FR 22(c) as per letter dt. 22.8.90 (Annex.A13).

To refund Rs.995/- illegally & wrongfully deducted from DCRG of the applicant by quashing letter dt.5.9.94.

23/3/2001 b)

- c) To refix his retiral dues including pension, DCRG etc & pay arrears thereof and all consequential benefits.
- d) To allow interest @ 18% per annum on all sums due to the applicant.
- e) Costs of this application.

2. Facts of the case as stated by the applicant are that TA No.343/92 filed by the applicant was decided by this Tribunal on 5.8.93. The directions given by the Tribunal in the aforesaid T.A could be complied with only after filing a Contempt Petition. It is stated that the applicant was wrongly fixed in the pay scale Rs.1600-2660 at Rs.2450 w.e.f 1.1.86 whereas there is no stage like this and the applicant was entitled to be fixed at Rs.2480/- on 1.1.86 in the pay scale Rs.1600-2660. It is further stated that on promotion as Superintendent in pay scale Rs.1640-2900 the date of increment should have been 1.1.91 whereas the respondents have illegally and wrongfully changed the date of increment as 1.7.91. It is further stated that abruptly the respondents' department has recovered Rs.995/- from the applicant as excess payment without furnishing any details and without affording an opportunity of hearing to the applicant. Therefore, the applicant filed the O.A for the relief as mentioned above.

3. Reply was filed. It is stated in the reply that the fixation done by the respondents was checked at different level and it was found perfectly alright. It is also stated that after allowing stagnation increment in the revised pay scale the pay of the applicant was rightly fixed at Rs.2420/- on 1.1.86 and next increment was allowed on 1.1.87, after qualifying 12 months' service, raising his pay Rs.2480. It is also stated that on promotion as Superintendent the pay of the applicant was fixed according to the FOD memorandum dated 23.8.94 and payment made to the applicant in pursuance of the

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fixation. It is stated that every govt servant is supposed to refund the excess amount paid to him. The applicant was requested to pay/refund Rs.995/- vide letter dated 5.9.94 but he did not comply with therefore, the amount was deducted from his DCRG payable to him and in this way, the applicant has no case for interference by this Tribunal.

4. Heard the counsel for the parties and also perused the whole record and the written submissions filed on behalf of the respondents.

5. It is an undisputed fact that the applicant was drawing a basic pay of Rs.750/- in the scale of Rs.470-750 as Asstt. Superintendent as on 1.1.86. It is also clear on a perusal of Rule 7(1)(B)(d), the pay of Asstt. Superintendent the amount of first and 2nd instalments of interim relief should be worked out only on the basic pay and not on basic pay plus special pay. Therefore, in view of the Central Civil Services Revised pay Rules 1986 and the written submissions filed by the respondents, we are of the considered opinion that the pay of the applicant in the revised pay scale Rs.1600-2660/- as on 1.1.86 was rightly fixed at Rs.2420/- and on 1.1.87 the applicant was entitled to increment of Rs.60/- raising his pay at Rs.2480/-.

6. As regards other relief regarding change of the date of increment, we do not find any infirmity/illegality in the action of the respondents taken for this purpose.

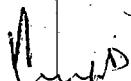
7. It appears that Rs.995/- was recovered as excess amount for which the applicant was informed by way of a letter to deposit the same but neither the applicant furnished any explanation to this effect nor he has deposited the same with the respondents' department. Therefore, the respondents' department had deducted the same from the difference of DCRG payable to the applicant. Therefore, no illegality appears to



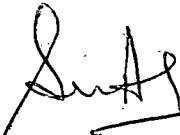
have been committed by the respondents in deducting the excess amount of Rs.995/- paid to the applicant.

8. As the fixation of pay of the applicant as on 1.1.86 appears to have been correctly done and his date of increment on promotion have not been changed wrongfully or illegally, therefore, the applicant is not entitled to any relief sought for.

9. We, therefore, dismiss the O.A having no merit with no order as to costs.


(A.P.Nagrath)

Member (A).


(S.K. Agarwal)

Member (J).