

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

O.A.No.362/2000

Date of order: 1.4.2002

Kalicharan, S/o Sh.Kishan Lal, working as Tailor,
O/o Principal, Military School, Ajmer.

...Applicant.

Vs.

1. Union of India through Secretary to the Govt,
Ministry of Defence, New Delhi.
2. Controller of Defence Accounts, Southern Command,
Pune.
3. Principal, Military School, Near Central Jail, Ajmer

...Respondents.

Mr.P.V.Calla : Counsel for applicant

Mr.Sanjay Pareek : Counsel for respondents.

CORAM:

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

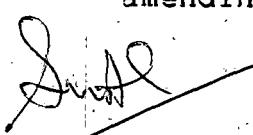
Hon'ble Mr.H.O.Gupta, Administrative Member.

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

In this O.A filed under Sec.19 of the ATs Act, 1985, the applicant makes a prayer to quash and set aside the order dated 5.6.2000 (Annex.A1) by which the pay of the applicant was refixed/reduced and recovery is being made in pursuance of order Annex.A1.

2. After filing this O.A, this Tribunal vide order dated 7.8.2000 directed the respondents not to make any recovery from the salary of the applicant in pursuance of the order dated 5.6.2000 till the next date.

3. In brief, the case of the applicant is that while he was working on the post of Tailor and drawing the pay in the scale Rs.3050-4590 an order dated 9.6.2000 was issued amending the pay of the applicant w.e.f.-20.12.1984 by which



the pay of the applicant has been reduced and consequently the respondents are going to make recovery from the pay of the applicant as excess payment.

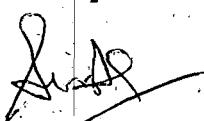
4. Reply was filed. In the reply it is stated that the post held by the applicant was not upgraded from semi-skilled to skilled category thus the upgradation shown in CDA letter from Rs.210-290 to Rs.260-4000 does not apply to the applicant. It is stated that since the pay of the applicant was wrongly fixed during the 3rd Pay Commission had continued to be carried forward during IV and V Pay Commission too and the applicant is entitled to semi-skilled grade only. Thus, the impugned order is perfectly legal and valid and the applicant has no case.

5. Heard the learned counsel for the parties and also perused the whole record.

6. The learned counsel for the applicant has referred before us the order of Chandigarh Bench of the Tribunal passed in O.A No.562/HP 99 dated 16.8.2000. The learned counsel for the respondents was also heard and he submitted that he has nothing to argue after the order passed by the Chandigarh Bench of the Tribunal.

7. In view of the submissions made before us, we do not think it proper that we should give our finding on each and every point in the matter and we would like to dispose of this O.A in view of the principles laid down by the Chandigarh Bench of the Tribunal in O.A No.562/HP 99 decided on 16.8.2000.

8. In view of the above, we quash the impugned order dated 5.6.2000 (Annex.A1) and direct the respondents not to recover any amount from the salary of the applicant in pursuance of order at Annex.A1 and if any recovery has been



made the same shall be refunded to the applicant within 3 months from the date of receipt of a copy of this order. No order as to costs.

(H.O.Gupta)

Member (A)

(S.K. Agarwal)

Member (J).