

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR
O.A.No.151/2001

Date of order: 21/9/2001

Ummed Singh, S/o Magandan Charan, Sub Postmaster,
Alsisar, Distt.Jhunjhunu.

...Applicant.

Vs.

1. Union of India through Secretary to the Govt of India, Mini.of Communication, Deptt.of Posts, New Delhi.
2. Postmaster General, Rajasthan Western Region, Jodhpur.
3. Superintendent of Post Offices, Jhunjhunu Division, Jhunjhunu.

...Respondents.

Mr.K.L.Thawani : Counsel for applicant

Mr.Bhanwar Bagri : for respondents.

CORAM:

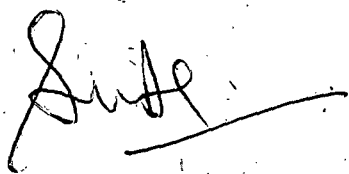
Hon'ble Mr.S.K.Agarwal, Judicial Member.

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

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

This O.A has been filed against the denial of the respondents for refund of Rs.28500/- which has been deducted from the pay of the applicant @ Rs.500/- per month w.e.f. 1.1.96 to September 2000.

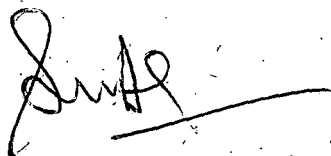
2. Facts of the case as stated by the applicant are that the applicant was appointed as Postal Clerk after serving for more than 4 years in Military service. It is stated that the applicant is entitled to 4 increments in the grade Rs.260-480 because he served for more than 4 years in Military service. It is further stated that although the pay of the applicant was initially fixed at Rs.292/- per month



but the department deducted Rs.76/-(PEG) from such fixation which was irregular and wrong, therefore, directions were given to the respondents in O.A No.85/96 vide order dated 10.12.99. It is stated that the respondents have recovered Rs.28500/- from the pay of the applicant at the rate of Rs.500/- per month which is irregular hence the denial of refund of this amount by the respondents is arbitrary and illegal. Therefore, the applicant filed this O.A for the relief.

3. Reply was filed. It is stated in the reply that at the time of initial appointment the applicant was given the pay scale Rs.260-480 and was also given the benefit of for more than four years Military service. It is stated that the recovery was made on account of excess payment made to the applicant in pursuance of a decision of PMG dated 27.6.88. Accordingly, the pay of the applicant was refixed and excess amount paid to the applicant was worked out from 24.10.81 to 31.1.96. It is further stated that recovery @ Rs.500/- per month was started from the salary of the applicant w.e.f. 1.2.96 upto September 2000 and Rs.28000/- was recovered from the salary of the applicant upto September 2000 and not Rs.28500/- as alleged by the applicant. It is also stated that in pursuance of the order dated 10.12.99 in O.A No.85/96, Rs.44,874/- was paid to the applicant on 19.10.2000. It is also stated that the applicant was paid full financial benefit w.e.f 6.2.95 and no financial benefit prior to this date was paid to the applicant. Therefore, the action of the respondents recovering the excess amount paid to the applicant is neither arbitrary nor illegal. Hence the applicant has no case.

4. Heard the learned counsel for the parties and also

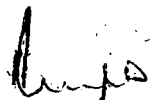


perused the whole record.


5. Admittedly, the applicant was entitled to four increments for serving more than 4 years in military service and he was entitled to be fixed at Rs.292/- at the time of his initial appointment as Postal Clerk in the pay scale Rs.260-480. It is also abundantly clear that this Tribunal vide order dated 10.12.99 in O.A No.85/96 held in so many words that the entire pension of the applicant should be ignored while fixing his initial pay on his appointment as Postal Clerk in the pay scale Rs.260-480. On the basis of this observation of the Tribunal in the aforesaid O.A, ~~no~~ recovery from the applicant @ Rs.500/- per month on account of excess payment made to the applicant appears to be arbitrary and illegal. We are, therefore, of the considered opinion that no recovery could have been made from the pay of the applicant @ Rs.500/- per month on account of the excess payment made in pursuance of the order of PMG dated 1.1.96.

6. We, therefore, allow this O.A and direct the respondents to refund Rs.28,000/- recovered from the applicant in pursuance of order dated 1.1.96 issued by PMG, within 3 months from the date of receipt of a copy of this order. In the facts and circumstances of this case, the applicant is not entitled to any interest on the amount so refunded.

7. No order as to costs.


(A.P.Nagrath)

Member (A).


(S.K.Agarwal)

Member (J).