

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 472 of 1999

Jabalpur, this the 21st day of January, 2004

Hon'ble Shri M.P. Singh, Vice Chairman  
Hon'ble Shri G. Shanthappa, Judicial Member

All India Railway Mail Services  
and MMS (Mail Motor Service)  
Employees Union Mail Guard and  
Class 'IV' Madhya Pradesh Circle  
through its circle Secretary J.P.  
Shivhare, Jabalpur.

... Applicant

(By Advocate - None)

V e r s u s

1. Union of India, through  
the Secretary, Ministry of  
Communication, Department of  
Post, Dak Bhavan, Sansad Marg,  
New Delhi.
2. Chief Post Master General,  
Madhya Pradesh Circle,  
Bhopal.
3. Director, (E.S.TT), New Delhi.
4. Assistant Director,  
(ESTT) Madhya Pradesh,  
Circle, Bhopal 12.
5. Superintendent of Railway Mail  
Service, Jabalpur.

... Respondents

(By Advocate - Shri B.da.Silva)

O R D E R (Oral)

By G. Shanthappa, Judicial Member -

None for the applicant. Since it is an old case of 1999  
we propose to dispose of this case by invoking Rule 15 of  
CAT (Procedure) Rules, 1985 and after hearing the learned  
counsel for the respondents.

2. The above Original Application is filed seeking the relief to set-aside the order dated 10.06.1999 (Annexure A-3) and also order dated 03.07.1999 (Annexure A-4), which revised the scale of pay of Mail Guard/Postmen and also to quash the recovery of excess paid between 1.1.1996 to 9.10.1997 in

view of the revision scale of pay introduced in Annexure A-3 and A-4.

3. The learned advocate for the respondents has submitted that a similar case has been decided by the Bangalore Bench of this Tribunal in OA No. 528/1999 on 16.02.2001. We have perused the aforesaid orders of the Bangalore Bench and we find that the issue involved in this case has already been dealt by the Bangalore Bench in the aforesaid OA. The relevant paragraphs of the said judgment are extracted below :

"12. For the reasons discussed by us above, it is obvious that the grant of the advance increments in the earlier revised scale of pay of Rs. 2750-4400 all along the various stages in the said scale of pay was not contemplated. The applicants therefore cannot be said to have acquired a vested right to the excess payments which have apparently been made on account of wrong fixation of pay after incorrectly granting them two advance increments .... along the various stages in the earlier revised scale of pay of Rs. 2750-4400. In terms of the instructions dated 14.10.1997, read with the undertakings that the applicants have furnished as incorporated in Annexure-R2 mentioned above, it was perfectly valid and competent for the respondents to effect recovery of the said excess payments, made in the above manner, which is evidently erroneous.

13. In the light of the detailed discussions made above we hold that the reliefs sought by the applicants are not tenable. The OA has no merits. Hence, we dismiss the same. The interim order granted earlier staying the recovery of the excess amounts already paid is hereby vacated. There shall be no order as to costs."

4. In view of the aforesaid, we also dismiss this Original Application, in terms of the orders passed by the Bangalore Bench of this Tribunal in OA No. 528/1999 on 16.02.2001. No order as to costs.

  
(C. Shanthappa)  
Judicial Member

  
(M.P. Singh)  
Vice Chairman