

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 23rd day of November, 2010

ORIGINAL APPLICATION NO. 502/2010

CORAM

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER
HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

Heera Lal Saini son of Shri Mool Chand Ji Saini, aged about 39 years, resident of Village Post Ramgarh Pachwara, Tehsil Lalsot, District Dausa (Rajasthan). At present posted as EDBPM, Ganglyawas Post Office, Ramgarh Pachwara, District Dausa (Rajasthan)

.....Applicant

(By Advocate: Mr. C.P. Sharma)

VERSUS

1. Union of India through Secretary to the Government of India, Department of Posts, Sansad Marg, New Delhi.
2. Principal Chief Post Master General, Rajasthan Circle, Sarder Patel Marg, Jaipur.
3. Superintendent of Post Offices, Jaipur Mouffssil, Shastri Nagar, Jaipur.
4. Post Master, Post Office, Dausa, District Dausa (Rajasthan).

.....Respondents

(By Advocate: -----)

ORDER (ORAL)

The applicant has filed this OA against the order dated 29.10.2010 (Annexure A/1) whereby the respondents proposed to recover a sum of Rs.20,025/- on account of excess payment made for a period w.e.f. 24.03.2000 to 30.09.2010. As can be seen from this order, it is stated that the applicant was entitled to the ~~first~~ TRC in the pay scale of Rs.2745-50-4245 w.e.f. 01.01.2006 whereas the applicant was given second TRC in the scale of Rs. 3660-60-5760/-. In the second part of the order, the respondents have stated that TRC of *18*

the applicant as on 24.03.2000 in the pay scale of Rs. 1280-35-1980/- was to be fixed at Rs.1595/- and thereafter the pay of the applicant was to be fixed in the following manner. The pay of the applicant as on 01.03.2001 should be fixed at Rs.1630/-, as on 01.03.2002 at Rs.1665/-, as on 01.03.2003 at Rs.1700/-, as on 01.03.2004 at Rs.1735 + Rs.87/-, as on 01.03.2005 at Rs.1770 +87 and as on 01.01.2006, the pay of the applicant shall be revised in the pay scale of Rs.2745-50-4245 which comes to Rs.4023/- equivalent to Rs.4045/-. It is further stated that the second TRC in the scale of Rs.3660/- as per order of the GDS committee, ~~the TRC of the applicant as on 24.03.2000~~ cannot be fixed.

2. It may be stated that the applicant was granted TRC in the scale of Rs.1280-35-1980/- with effect from 24.03.2000 to 28.02.2006. The applicant being aggrieved by the action of the respondents filed OA No. 115/2006 before this Tribunal whereby the applicant had claimed TRC in the higher scale of pay of Rs.1600-40-2400 w.e.f. 24.03.2000 or in the alternate to revise his TRC at Rs.1595/- + DA in the pay scale of Rs.1280-35-1980/- by protecting his last pay. This Tribunal allowed the OA of the applicant vide order dated 24.02.2010 to the extent that TRC of the applicant be fixed at Rs.1595/- as being last pay drawn. Thus as per the order rendered by this Tribunal, the TRC of the applicant as on 24.03.2000 was to be fixed at Rs.1595/-. As noticed above, the pay of the applicant has been fixed rightly at Rs.1595/- as on 24.03.2000 vide impugned order dated 29.01.2010 (Annexure A/1). Further as on 01.01.2006, the pay of the applicant was to be revised in the pay scale of Rs.2745-50-4245/-.

Admittedly, the applicant was not entitled to the TRC in the scale of Rs.1600-40-2400 (Revised scale Rs.3660-70-5760/-). Thus we see no infirmity in the impugned order dated 29.10.2010 (Annexure A/1).

3. Learned counsel for the applicant submits that the applicant was granted second TRC in the scale of Rs.1600-2400 w.e.f. 01.03.2006 and in that eventuality, it was incumbent upon the respondents to revise his pay on 01.03.2006 in the second TRC of Rs.3660-70-5760/- whereas the respondents are making recovery pursuant to the impugned order dated 29.10.2010 (Annexure A/1) as if the applicant was entitled for the TRC in the pay scale of Rs.2745-50-4245/- till date.

4. We see considerable force in the submission made by the learned counsel for the applicant. Admittedly, the applicant was granted second TC in the scale of Rs.1600-40-2400/- as on 01.03.2006, which TRC had been revised to Rs.3660-70-5760/-. Thus prima-facie, we are of the view that with effect from 01.03.2006, the basic pay of the applicant at Rs.4045/- should not have been taken into consideration till 30.09.2010. Accordingly, the respondents are directed to look into the matter again on this aspect and pass appropriate order within a period of two months from the date of receipt of a copy of this order. It is, however, clarified that respondents may affect recovery on account of excess payment, if any, made upto the period February, 2006 but recovery of the excess amount, if any, after 01.03.2006 shall be effect only after passing the appropriate order in terms of the observations made hereinabove.

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4. With these observations the OA is disposed of at admission stage itself with no order as to costs.

Anil Kumar

(ANIL KUMAR)
MEMBER (A)

M.L. Chauhan

(M.L. CHAUHAN)
MEMBER (J)

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