

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDERS OF THE BENCH

Date of Order: 19.09.2012

OA No. 656/2012

Mr. P.N. Jatti, counsel for applicant.

Though the present case pertains to Division Bench but at the request of learned counsel for the applicant, the same is being disposed of at this stage.

2. The present O.A. is directed against the impugned order dated 07.09.2012 (Annex.A/1) by which the applicant has been directed to refund a sum of Rs. 1,28,216/- immediately, otherwise recovery @ 5340/- in 23 installments & last installment of Rs. 5396/-will be made from his pay and allowances from the month of October, 2012. In the impugned order dated 07.09.2012, it is also mentioned that as a result of revised pay fixation order, a sum of Rs. 1,28,216/- is excess drawn/paid to the applicant during the period from 01.07.2009 to 31.08.2012 and the same is required to be deposited into Govt. Account. Vide annexure A/12 order dated 27th August, 2012, the respondents themselves have clarified that the matter is still under examination of Directors and requested to the Additional Director, CGHS to maintain status-quo regarding the fixation/revision of Grade Pay under financial up-gradation under MACP Scheme to Pharmacists cadre in his unit, until further orders.

3. Since the respondents vide order dated 27th August, 2012 are maintaining status-quo, recovery in question will not be made effective, in such situation, the applicant's counsel prayed that the respondents may be directed to consider the representation of the applicant dated 25.08.2012 (Annex.A/11), which is pending before them, by a reasoned and speaking order.

4. Having considered the submissions made on behalf of the applicant and having considered the annexure A/12 order dated 27th August, 2012, I deem it proper to direct the respondents to consider and decide the representation dated 25.08.2012 by a reasoned and speaking order. Consequently, the respondents are directed to consider and decide the representation dated 25.08.2012 (Annex. A/11) strictly in accordance with the provision of law and pass a reasoned and speaking order expeditiously but in any case not later than a period of two months from the date of receipt of a copy of this order.

5. If any prejudicial order against the interest of the applicant is passed by the respondents, the applicant will be at liberty to challenge the same by way of filing the substantive Original Application.

6. With these observations and directions, the Original Application stands disposed of with no order as to costs.

K. S. Rathore

(JUSTICE K.S. RATHORE)
JUDICIAL MEMBER