

**Central Administrative Tribunal
Principal Bench
OA No.1680/2015**

New Delhi this the 19th day of December, 2016

Hon'ble Sh. Raj Vir Sharma, Member (J)
Hon'ble Sh. K.N. Shrivastava, Member (A)

Hemant Kumar Aged-60 Years,
S/o Late Sh. Pyare Lal Bhatnagar,
Retired Junior Hindi Translator,
CGHS Head quarters, Bikaner House, New Delhi.
R/o N-72, Sector 12, Noida (UP)

... Applicant

(By Advocate: Mr. Yogesh Sharma)

Versus

1. Union of India, through the Secretary,
Ministry of Health & Family Welfare
Govt. of India, Nirman Bhawan,
New Delhi-110001
2. The Additional Director,
Central Government Health Scheme,
Sector 12, R.K. Puram, New Delhi.

... Respondents

(By Advocate: Mr. Subhash Gosain)

ORDER (ORAL)

Mr. K.N. Shrivastava, Member (A)

Applicant was appointed in the CGHS as LDC on 04.02.1981. Subsequently, he was promoted, as a departmental candidate, to the post of Junior Hindi Translator (JHT). Annexure A/1 order dated 18.06.2014 came to be issued pursuant to the promotion of the applicant as JHT whereby his pay was fixed in the pre-revised scale of Rs. 6500-10500/-. The replacement scale of the said pay scale under 6thCPC is Pay Band-II +Grade Pay of Rs. 4600/-.

2. The applicant retired from service on 30.06.2014 on attaining the age of superannuation. His grievance is that vide impugned order dated 18.6.2014 (Annexure A/1), his Grade Pay has been reduced from Rs. 4600/- to Rs. 4200/-, with cumulative

effect and an amount of Rs. 2,40,195/- towards alleged excess payment made to him has since been recovered from his gratuity by the respondents.

3. We have heard the arguments of the learned counsel for the parties. From perusal of the records, it is quite clear that the applicant was in fact promoted to the post of JHT vide Annexure A/4 dated 05.06.2012 whereby his pay was fixed in the pre-revised scale of Rs. 6500-10500/-. The replacement scale for the said post under 6th CPC is PB-II (9300-34800)+GP of Rs. 4200. It is rather surprising as to how the Grade Pay of the applicant has been reduced as per impugned Annexure A I order. Learned counsel for the respondents drew attention to Paras 4.2 to 4.9 of the reply filed by the respondents to explain the genesis of the impugned order. We have seen that, but are not convinced with the action of the respondents in reducing the Grade Pay of the applicant from Rs.4600/- to Rs. 4200/-.

4. In view of our observations in the pre-para, we allow this OA, direct the respondents to re-fix the retiral benefits of the applicant accordingly and the amount of Rs. 2,40,195 recovered from him illegally should be returned back to him. We also make it clear that the applicant would be entitled to interest at the rate of Rs. 9% on the amount recovered. No order as to costs.

(K.N. Shrivastava)
Member (A)

(Raj Vir Sharma)
Member (J)

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