

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. No. 1804/2015

New Delhi, this the 22nd day of April, 2016.

**HON'BLE MR. JUSTICE PERMOD KOHLI, CHAIRMAN
HON'BLE MR. P.K. BASU, MEMBER (A)**

Ajit Singh Khatri,
Age 61 years,
Junior Engineer (Retired),
S/o Late Shri Ram Singh,
R/o F-23/112, Sector-3, Rohini,
New Delhi-110085.

.. Applicant

(By Advocate : Shri Arun Khatri)

Versus

1. Delhi Development Authority,
Through Accounts Officer (Pension),
Vikas Sadan, INA,
New Delhi.

2. Delhi Development Authority,
Through Executive Engineer,
Rohini Project Division No. 10,
6th Floor, Rohini Zonal Office,
Madhuban Chowk,
New Delhi-110085.

.. Respondents

(By Advocate : Ms. Sriparna Chatterjee)

ORDER (ORAL)

By Mr. Justice Permod Kohli

Heard the learned counsel for both the parties.

2. The applicant, Shri Ajit Singh Khatri, was working as Junior Engineer in Delhi Development Authority (DDA). He retired on

30.06.2014 on attaining the age on superannuation. LPC was issued on the basis of his last salary of Rs.24,430/- on 22.05.2014. It appears that on the basis of some internal audit report, a revised LPC dated 27.06.2014 was issued. Consequently, some recoveries were made from his retiral benefits. The applicant is aggrieved of recoveries and refixation of his pay and consequential pensionary benefits. He made a representation dated 26.09.2014, which came to be rejected vide impugned order dated 16.12.2014. The present O.A. has been filed seeking quashment of the order dated 16.12.2014 with a further prayer for refixation of his pay and pension and reimbursement of Rs.1,75,000 (approx.) deducted from his retiral benefits.

3. A detailed counter has been filed by the respondents. In paras 9 to 11, it is specifically stated that the LPC was issued by the respondents on the basis of last salary of Rs.24,430/- drawn by the applicant. The further case of the respondents is that on the basis of some internal audit report, a note dated 17.06.2014 was initiated for refixation of his pay, and consequently a fresh LPC was issued. The respondents have admitted in para 11 that on the basis of 2nd LPC, some recoveries have been made. The respondents have, however, undertaken to take into consideration the last salary of the applicant as Rs.24,430/- as per the original LPC and all calculations in respect of retiral benefits would be made accordingly.

4. In view of above statement, it appears that the claim of the applicant has been admitted by the respondents. This O.A. is, accordingly, disposed of in the following manner:

- (i) The impugned order dated 16.12.2014 is hereby quashed.
- (ii) The respondents are directed to re-assess the pensionary benefits of the applicant by taking into consideration his original LPC where his salary has been shown as Rs.24,430/-. Excess recovery made from the applicant be reimbursed to him within a period of three months from the date of this order. Needless to say that all retiral benefits of the applicant shall be redetermined by taking into consideration the original LPC and also be released in favour of the applicant within the time stipulated above.

No order as to costs.

(P.K. BASU)
Member (A)

(PERMOD KOHLI)
Chairman

/Jyoti/