

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

O.A No. 2911/2013

M.A No. 2233/2013

New Delhi, this the 2nd day of November, 2017

Hon'ble Mrs. Jasmine Ahmed, Member (J)

1. Prabhu Lal Jat,
S/o. Sh. Kana Ram Jat,
R/o. B-119, Street No. 5,
Dr. Ambedkar Colony,
Chhattarpur,
New Delhi – 110 074.

2. Narbadeshwar Singh,
S/o. Shri R. P. Singh,
R/o. B-1,
LRS Institute Campus,
Shri Arbindo Marg,
New Delhi-110 030.

...Applicants

(By Advocate : Mr. R. K. Shukla)

Versus

1. Union of India
Through its Secretary,
Ministry of Health & Family Welfare,
Nirman Bhawan,
New Delhi.

2. The Director,
Lala Ram Sarup Institute
Of Tuberculosis & Respiratory Diseases,
Sri Aurobindo Marg,
Near Qutub Minar,
New Delhi.

3. The Administrative Officer,
LRS Institute of Tuberculosis
& Respiratory Diseases,
Sri Arbindo Marg,
Qutub Minar,
New Delhi.

...Respondents

(By Advocate : Ms. Neha Bhatnagar)

O R D E R (O R A L)

Hon'ble Mrs. Jasmine Ahmed, Member (J) :

M.A 2233/2013 :

The M.A for joining together is allowed.

O.A 2911/2013 :

2. Counsel for the applicants states that the matter may be disposed of very well by directing the respondents to consider their case in the light of the O.M published by the Ministry of Personnel, Public Grievances & Pensions dated 2nd March, 2016 and also in the light of the judgment passed by the Hon'ble Apex Court in the case of **State of Punjab & Ors. Vs. Rafiq Masih etc.**, in CA No. 11527 of 2014, wherein the Hon'ble Apex Court while categorising in clause III has stated that 'Recovery from employees, when the excess payment has been made for a period in excess of five years, before the order of recovery is issued'.

3. Learned counsel for the applicants state that the respondents can very well examine the case of the applicants in the light of these two documents, one is the O.M. and other one is judgment of Hon'ble Supreme Court in Rafiq Masih and if the respondents come to the conclusion that the case of the applicants is covered under Rafiq Mashhi then, there shall not be any recovery from them.

4. I feel, the contention of the counsel for the applicants has merit and accordingly the respondents are directed to re-examine the case of the applicants in the light of the documents mentioned above and pass a detailed reasoned and speaking order within six weeks from the date of receipt of a certified copy of this order.

5. Accordingly, the O.A stands disposed of. No costs.

(Jasmine Ahmed)
Member (J)

/Mbt/