

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 180/00578/2014

Original Application No. 180/00844/2014

Original Application No. 180/00846/2014

Thursday, this the 30th day of August, 2018

CORAM:

Hon'ble Mr. E.K. Bharat Bhushan, Administrative Member

Hon'ble Mr. Ashish Kalia, Judicial Member

1. Original Application No. 180/00578/2014 -

Arjun Ambalapatta,
Public Prosecutor, National Investigation Agency,
Ministry of Home Affairs, House No. 28/443 Giri Nagar,
Kadavanthara, Ernakulam,
Kochi – 682 020.

..... **Applicant**

(By Advocate : Mr. Elvin Peter P.J.)

V e r s u s

- 1 Union of India, Represented by Secretary,
Ministry of Home Affairs, Government of India,
South Block, New Delhi.
- 2 The National Investigation Agency,
Represented by the Inspector General of Police (Admn),
National Investigation Agency, 6th and 7th Floor,
NDCC II Building, Jai Singh Road, New Delhi – 110 001.
- 3 Government of India, Represented by its Secretary,
Department of Personnel and Training,
Ministry of Personnel, Public Grievances and Pensions,
North Block, New Delhi – 110 001.
- 4 The Superintendent of Police (O),
National Investigation Agency,
Ministry of Home Affairs, House No. 28/443, Giri Nagar,
Kadavanthara, Ernakulam, Cochin – 682 020.
- 5 State of Kerala, Represented by its Secretary,
Home Department, Secretariat,
Thiruvananthapuram - 695 001.

..... **Respondents**

[By Advocates : Mr. N. Anilkumar, Sr. PCGC ® (R1-4)]
Mr. M. Rajeev, GP (R5)]

2. Original Application No. 180/00844/2014 -

Subramanian V.,
 Cashier, Office of the District Police Chief,
 Vadakara, Kozhikode Rural, Kozhikode.

..... **Applicant**

(By Advocate : Mr. Elvin Peter P.J.)

V e r s u s

- 1 Union of India, Represented by Secretary,
 Ministry of Home Affairs, Government of India,
 South Block, New Delhi – 110 001.
 - 2 The National Investigation Agency,
 Represented by the Inspector General of Police (Admn),
 National Investigation Agency, 6th and 7th Floor,
 NDCC II Building, Jai Singh Road, New Delhi – 110 001.
 - 3 Government of India, Represented by its Secretary,
 Department of Personnel and Training,
 Ministry of Personnel, Public Grievances and Pensions,
 North Block, New Delhi – 110 001.
 - 4 The Superintendent of Police (O),
 National Investigation Agency,
 Ministry of Home Affairs, House No. 28/443, Giri Nagar,
 Kadavanthara, Ernakulam, Cochin – 682 020.
 - 5 State of Kerala, Represented by its Secretary,
 Home Department, Secretariat,
 Thiruvananthapuram - 695 001.
- **Respondents**

[By Advocates : Mr. N. Anilkumar, Sr. PCGC ® (R1-4)]
Mr. M. Rajeev, GP (R5)]

3. Original Application No. 180/00846/2014 -

Retheesh Babu P.,
 Constable, National Investigation Agency,
 Ministry of Home Affairs, House No. 28/443 Giri Nagar,
 Kadavanthara, Ernakulam,
 Kochi – 682 020.

..... **Applicant**

(By Advocate : Mr. Elvin Peter P.J.)

V e r s u s

- 1 Union of India, Represented by Secretary,
Ministry of Home Affairs, Government of India,
South Block, New Delhi.
 - 2 The National Investigation Agency,
Represented by the Inspector General of Police (Admn),
National Investigation Agency, 6th and 7th Floor,
NDCC II Building, Jai Singh Road, New Delhi – 110 001.
 - 3 Government of India, Represented by its Secretary,
Department of Personnel and Training,
M/o. Personnel, Public Grievances and Pensions,
North Block, New Delhi – 110 001.
 - 4 The Superintendent of Police (O),
National Investigation Agency,
Ministry of Home Affairs, House No. 28/443, Giri Nagar,
Kadavanthara, Ernakulam, Cochin – 682 020.
 - 5 State of Kerala, Represented by its Chief Secretary,
Home Department, Secretariat,
Thiruvananthapuram - 695 001.
- **Respondents**

[By Advocates : Mr. N. Anilkumar, Sr. PCGC ® (R1-4)]
Mr. M. Rajeev, GP (R5)]

These applications having been heard on 14.08.2018, the Tribunal on
30.08.2018 delivered the following:

ORDER

Hon'ble Mr. E.K. Bharat Bhushan, Administrative Member –

OAs Nos. 180-578, 844 and 846 of 2014 have common points of fact and law involved and hence are being disposed of through this common order.

2. The applicants were first appointed as Assistant Public Prosecutor, Lower Division Clerk and Police Constable, respectively under the respondent No. 5 State of Kerala. While continuing as such the 2nd

respondent issued notification dated 5.7.2010 (Annexure A3) inviting applications for appointment to the posts of Public Prosecutor, Upper Division Clerk and Constable respectively under the National Investigating Agency (NIA) on deputation basis from among the employees working under the Central/State Government/Union Territories etc. holding analogous posts on regular basis. The scales of pay of the post of Public Prosecutor, Upper Division Clerk and Constable were shown as Rs. 15,600-39,100 with GP of Rs. 5,400/-, Rs. 5,200-20,200/- with GP of Rs. 2,400/- and Rs. 5,200-20,200/- with Rs. 2,000/- respectively. The applicants submit that in Annexure A3 it was laid down that “[P]ersonnel while on deputation with the NIA would continue to draw the basic pay being drawn by them in their parent department and other allowances admissible to the Central Govt. employees from time to time”. After due selection process the applicants were appointed to the posts of Public Prosecutor, Upper Division Clerk and Constable respectively with pay fixed at the rate of Rs. 26,640/- (Rs. 21,240 + Rs. 5,400/-), Rs. 19,380/- (Rs. 16,980/- + Rs. 2,400/-) and Rs. 15,210/- (Rs. 13,210/- + Rs. 2,000/-) respectively.

3. While working as such the applicants were served with notice dated 21.4.2014 directing them to show cause as to why their pay should not be re-fixed and recovery instituted from the salary paid in excess due to wrong fixation. The applicants submitted representations dated 20.5.2014, 19.05.2014 and 20.05.2014 respectively against the proposed move. The 4th respondent issued orders dated 28.5.2014 rejecting the claim of the applicants and amounts of Rs. 7,73,382/-, Rs. 3,86,822/- and Rs. 3,83,208/-

respectively were ordered to be recovered from the applicants. Consequently, orders dated 28.5.2014 of even date also were issued by the 4th respondent re-fixing the pay of the applicants.

4. Aggrieved, the applicants filed OAs Nos. 385/2014, 390/2014 and 391/2014 wherein interim orders were passed staying all further proceedings of recovery pursuant to the impugned orders. However, the applicants withdrew the said OAs which were dismissed with liberty granted to the applicants to file fresh OAs if they chose to do so. Accordingly, the applicants approached this Tribunal with the present OAs.

5. During the pendency of OA No. 180-578-2014 the respondents issued Annexure A21 show cause notice stating that in consequence of the revised fixation of pay, the applicant concerned has been paid an excess amount of Rs. 4,57,383/- with effect from 6.1.2011 to 30.6.2014. The applicant replied to the said show cause notice vide Annexure A22 but the 4th respondent vide Annexure A23 ordered recovery of an amount of Rs. 4,44,383/- in 60 monthly installments subject to the outcome of OA No. 180-578-2014. The applicants submit that the impugned orders are illegal, unfair, unreasonable, discriminatory and violative of Articles 14 and 21 of the Constitution of India.

6. The applicants also contend that similarly situated officers filed OA No. 1432/2013 before the Hyderabad Bench of the Tribunal. The Hyderabad Bench issued an order dated 26.11.2013 staying the recovery from the

salary of the applicants therein. The applicants rely upon the decision of the apex court in *Union of India v. Guru Charan Dass* – AIR 1997 SC 2605 wherein it was held by the apex court that the conditions of pay offered at the time of appointment cannot be altered to the detriment of the employee after the appointment.

7. In OA No. 180-578-2014 the relief claimed by the applicant are as under:

- “i) to call for the records leading to Annexure A15 and A16 orders and set aside the same;
- ii) to declare that the fixation of pay granted to the applicant at the time of his appointment as Public Prosecutor under the NIA as evident at the rate shown in Annexure A7 is perfectly legal and valid;
- iii) To issue a direction to the respondents to continue to pay the salary of the applicant at the rate fixed at the time of his appointment as Public Prosecutor without following the principle adopted for fixation of pay in Annexures A15 and A16;
- iii(a) To call for the records leading to Annexures A23 and A24 and set aside the same;
- iv) and grant such other and further reliefs as th is Hon'ble Tribunal may deem fit and proper in the circumstances of the case including costs.”

Similar reliefs have been claimed by the applicants in the other two OAs.

8. Contesting the claim of the applicants, the respondents have filed reply statements in each case, more or less taking similar contentions. At the outset they submit that the applicants have not exhausted the remedy of filing appeal and instead approached this Tribunal directly challenging the impugned orders. Hence, on this sole ground alone the OAs are liable to be dismissed, it is claimed.

9. They further contend that the applicants were appointed as Public Prosecutor, Upper Division Clerk and Constable respectively in NIA on deputation basis. As per the option exercised by the applicants they all opted to avail Central Pay while on deputation. OA No. 374/2012 was filed by 46 officials of the NIA, Hyderabad Region challenging the instructions issued by the respondents regarding guidelines for pay fixation. After hearing, the Tribunal allowed the OA and decided that the scale of pay and allowances the applicants are entitled shall be as per the terms of deputation under Rule 5.1(II) of DOP&T OM dated 17.6.2010 [Annexure R1(i) in OA No. 180-578-2014]. The respondents in compliance of the order in OA No. 374/2012 revised the pay of all affected employees who had opted for Central Pay scale irrespective of the fact whether they were applicants or otherwise. Accordingly, the pay of the applicants had also been reviewed. As per Annexure R1(c) [in OA No. 180-578-2014] the respondents submitted that in the event of review of the above pay fixation the necessary adjustment by way of recovery of over payment or payment of arrears as the case may be, shall be made in due course without any notice. Further the pay fixation order stipulated that the pay fixation is subject to further clarifications/orders/instructions issued by the Government of India from time to time.

10. The applicants have exercised the option to draw the pay in the scale of pay of the deputation post (Central Scale). Now their attempt to seek and retain the basic pay of their parent cadre and draw the Grade Pay of the deputation post along with the DA of the central government pattern is

against their conditions of their service and is patently unsustainable. There had been no financial loss in their emoluments as alleged by the applicants. Further they submit that in the Central Government the term 'basic pay' consists of pay in the pay band plus Grade Pay. They forget that there is no comparison of basic pay of State and Central as there is no Grade Pay in the State and pay structures are dissimilar. They further submit that OA No. 1432 of 2014 was filed by few affected deputationists including those similarly placed as the applicants before the Hyderabad Bench of the Tribunal. The said OA was disposed of on 27.7.2015 upholding the model of pay fixation issued by the respondents which too was done based on the provisions contained in Annexure R1(d) [in OA No. 180-578-2014]. The Tribunal also ordered to recover the excess payment made to applicants there who have joined on deputation basis. Similarly the Guwahati Bench of the Tribunal dismissed a similar OA No. 166 of 2013 on 12.8.2014.

11. The respondents have relied on the decision of the apex court in ***Chandi Prasad Uniyal & Ors. v. State of Uttarakhand & Ors.*** in Civil Appeal No. 5899 of 2012 arising out of SLP No. 30858 of 2011 dated 17.8.2012 and ***U.T. of Chandigarh & Ors. v. Gurcharan Singh & Ors.*** in Civil Appeal No. 9873 of 2013 arising out of SLP No. 17881 of 2008 dated 1.11.2013 wherein it was held by the apex court that if any amount had been paid due to mistake, this must be rectified and the amount so paid due to the mistake must be recovered. In other words excess payment made due to wrong/irregular pay fixation can always be recovered.

12. Heard the learned counsel for the applicants Mr. Elvin Peter P.J. in all the OAs, learned Sr. Panel Central Government Counsel (Retainer) counsel appearing for respondents 1-4 in all the OAs and Mr. M. Rajeev, GP learned counsel appearing for respondent No. 5 in all the OAs. Perused all records.

13. The question to be considered in these OAs are already considered and decided by the Guwahati Bench of the Tribunal in OA No. 166 of 2013 on 12.8.2014 wherein this Tribunal dismissed the OA. However, as regards the question of recovering the excess amount already granted in OA No. 180-844-14 and 180-846-2014, the judgment of the apex court in ***State of Punjab & Ors. v. Rafiq Masih (White Washer) & connected cases*** - AIR 2015 SC 696 shall hold the field wherein the apex court had set down the law and declared recovery as impermissible from employees under certain circumstances. The Apex Court ruled :

“12. It is not possible to postulate all situations of hardship, which would govern employees on the issue of recovery, where payments have mistakenly been made by the employer, in excess of their entitlement. Be that as it may, based on the decisions referred to herein above, we may, as a ready reference, summarise the following few situations, wherein recoveries by the employers, would be impermissible in law :

(i) Recovery from employees belonging to Class-III and Class-IV service (or Group 'C' and Group 'D' service).

(ii) Recovery from retired employees, or employees who are due to retire within one year, of the order of recovery.

(iii) 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.

(iv) Recovery in cases where an employee has wrongfully been required to discharge duties of a higher post, and has been paid accordingly, even though he should have rightfully been required to work against an inferior post.

(v) In any other case, where the Court arrives at the conclusion, that recovery if made from the employee, would be iniquitous or harsh or arbitrary to such an extent, as would far outweigh the equitable balance of

the employer's right to recover.”

The applicants in OA No. 180-844-2014 and 180-846-2014 fall under the 1st category of employees as recovery from employees belonging to Class-III and Class-IV service (or Group 'C' and Group 'D' service) is not permissible. Therefore, recovery of excess payments from the applicants in OA No. 180-844-2014 and 180-846-2014 would not be permissible from this point of view.

14. However, learned counsel for the respondents emphasized the judgment of the Hon'ble Supreme Court in ***High Court of Punjab and Haryana & Ors. v. Jagdev Singh*** - AIR 2016 SC 3523, to justify recovery. We find that *Jagdev Singh's* judgment (supra) has qualified the Rafiq Masih judgment by including the proviso which reads as follows:

“11. In the present case, the officer to whom the payment was made in the first instance was clearly placed on notice that any payment found to have been made in excess would be required to be refunded. The officer furnished an undertaking while opting for the revised pay scale. He is bound by the undertaking.”

15. On examining the documents on offer it is noticed that in all three OAs standard undertakings, to the effect that the applicants would refund the excess amount of salary paid, if at a later stage it is found to be in excess of his entitlement, are provided. They are at Annexure R1(b) in OA No. 180-578-2014, Annexure R4(6) in OAs Nos. 180-844-2014 and 180-846-2014. As already pointed out the question whether the applicants are entitled to the larger amounts that they have been granted has already been examined

by the Guwahati Bench of this Tribunal in OA No. 166 of 2013 and the issue has been decided in favour of the respondents. The applicants have approached this Tribunal against the recovery and the most important factor that they have pointed out in their favour is the judgment of the apex court in *Rafiq Masih*. However, taking into account the subsequent decision of the apex court in *Jagdev Singh* and in view of the categorical undertaking rendered by the applicants in the 3 OAs, we conclude that their cases have no merit. Accordingly, the Original Applications are dismissed. No costs.

(ASHISH KALIA)
JUDICIAL MEMBER

(E.K. BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

“SA”

Original Application No. 180/00578/2014**APPLICANT'S ANNEXURES**

- Annexure A1** – True copy of G.O.(MS) No. 6/2008/Home dated 05.01.2008 issued by the Government.
- Annexure A2** – True copy of salary slip of the applicant issued by the office of the Accountant General.
- Annexure A3** – True copy of notification dated 05.07.2010 issued by the 2nd Respondent.
- Annexure A4** – True copy of G.O.(Rt)3866/2010/Home dated 28.12.2010 issued by the Government.
- Annexure A5** – True copy of Order No. 112/2011 dated 06.01.2011 issued by the 2nd Respondent.
- Annexure A6** – True copy of the pay slip of the applicant for the month of March, 2011.
- Annexure A7** – True copy of pay slip of the applicant for the month of July, 2011.
- Annexure A8** – True copy of Office Memorandum dated 05.01.1994 issued by Govt. of India.
- Annexure A9** – True copy of Office Memorandum dated 17.06.2010 issued by Government of India.
- Annexure A10** – True copy of show cause notice dated 21.04.2014 issued by the 4th Respondent.
- Annexure A11** – True copy of order dated 12.06.2013 in OA No. 374/2012 of the CAT, Hyderabad.
- Annexure A12** – True copy of letter dated 12.12.2013 issued by Senior Accounts Officer, Regional Pay and Accounts Office.
- Annexure A13** – True copy of letter dated 14.06.2012 issued by the National Investigation Agency.
- Annexure A14** – True copy of reply sent by the applicant before the Superintendent of Police, NIA, Kochi dated 20.05.2014.
- Annexure A15** – True copy of Order No. B-07/Pay Fixation/NIA/Kochi/2013/261 dated 28.05.2014 issued by the National Investigation Agency.

- Annexure A16** – True copy of Order No. B-07/Pay Fixation/NIA/Kochi/2014-15/266 dated 28.05.2014 issued by the National Investigation Agency.
- Annexure A17** – True copy of interim order dated 09.06.2014 in OA No. 180/385/2014 of this Hon'ble Tribunal.
- Annexure A18** – True copy of order dated 22.07.2014 in OA No. 180/385/2014 of this Hon'ble Tribunal.
- Annexure A19** – True copy of office order No. 939/2014 dated 16.07.2014 issued by the 2nd Respondent.
- Annexure A20** – True copy of order dated 26.11.2013 in OA No. 1432/2014 of the Central Administrative Tribunal, Hyderabad.
- Annexure A21** – True copy of Order No. B-07/Pay Fixation/NIA/Kochi/2014/726 dated 03.12.2014 issued by the National Investigation Agency.
- Annexure A22** – True copy of the reply dated 02.01.2015 submitted by the applicant to the show cause notice.
- Annexure A23** – True copy of Order No. B-07/Pay Fixation/NIA/Kochi/2015/86 dated 29.01.2015 issued by the National Investigation Agency.
- Annexure A24** – True copy of Order No. B-07/Pay Fixation/NIA/Kochi/2014-15/96 dated 30.01.2015 issued by the National Investigation Agency.

RESPONDENTS' ANNEXURES

- Annexure R1(a)** – Copy of joining letter dated 06.01.2011.
- Annexure R1(b)** – Option certificate & undertaking certificate.
- Annexure R1(c)** – Copy of pay fixation order issued by DIG, NIA HYD dated 06.07.2011.
- Annexure R1(d)** – Copy of DOP&T order dated 17.06.2010.
- Annexure R1(e)** – Copy of IAW, Jam Nagar, New Delhi Letter No. CA/IAWMHA/Clarification/11-12/1863 dated 30.12.2011.

Annexure R1(f) –Copy of joining order in NIA B.O. Kochi on 18.06.2012.

Annexure R1(g) –Copy of repatriation order dated 30.06.2014.

Annexure R1(h) –Copy of joining letter as Public Prosecutor in NIA BO Kochi dated 04.07.2014.

Annexure R1(i) –Copy of OA No. 374/2012 of CAT Hyderabad order dated 12.06.2013.

Annexure R1(j) –Copy of letter No. B-07/Pay Fixation/NIA/Kochi/2014-15/266 dated 28.05.2014.

Annexure R1(k) –Copy of note dated 06.02.2014 vetted by PAO, NSG, Hyderabad.

Annexure R1(l) –Copy of DoPT UO No. 52549/2013-ESTT (PAY.II) dated 19.07.2013.

Annexure R1(m) –Copy of letter No. B-07/ Pay Fixation/ NIA/ Kochi/ 2013/261 dated 28.05.2014.

Annexure R1(n) –Copy of notice/letter No. B-07/ Pay Fixation/ NIA/ Kochi/2014/726 dated 03.12.2014.

Annexure R1(o) –Copy of order issued to Petitioner letter No. B-07/Pay Fixation/NIA/Kochi/2015/86 dated 29.01.2015.

Annexure R1(p) –NIA publicity notice dated 05.07.2010.

Annexure R1(q) –Pay fixation order No. 09/2015 dated 30.01.2015.

Annexure R1(r) –CAT Hyderabad OA No. 1432/2013 dated 27.07.2015.

Annexure R1(s) –CAT Guwahati OA No. 166/2013 order dated 12.08.2014.

Annexure R1(t) –DOPT OM No. F. No. 18/26/2011-Estt (Pay-I) dated 06.02.2014.

Original Application No. 180/00844/2014

APPLICANT'S ANNEXURES

Annexure A1 – True copy of Order No. M2/31677/2004 dated 20.07.2004 issued by the Director General of Police.

Annexure A2 – True copy of Last Pay Certificate of the applicant.

- Annexure A3** – True copy of notification dated 05.07.2010 issued by the 2nd Respondent.
- Annexure A4** – True copy of Order No. 277/2011 dated 17.08.2011 issued by the National Investigation Agency.
- Annexure A5** – True copy of order dated 12.06.2013 in OA No. 374/2012 of the CAT, Hyderabad.
- Annexure A6** – True copy of letter dated 12.12.2013 issued by Senior Accounts Officer, Regional Pay and Accounts Office.
- Annexure A7** – True copy of letter dated 14.06.2012 issued by the National Investigation Agency.
- Annexure A8** – True copy of Office Memorandum dated 05.01.1994 issued by Govt. of India.
- Annexure A9** – True copy of Office Memorandum dated 17.06.2010 issued by Government of India.
- Annexure A10** – True copy of show cause notice dated 21.04.2014 issued by the respondent to the applicant.
- Annexure A11** – True copy of reply submitted by the applicant before the Superintendent of Police, NIA, Kochi dated 09.05.2014.
- Annexure A12** – True copy of Order No. B-07/Pay Fixation/NIA/Kochi/2013/262 dated 5/2014 issued by the National Investigation Agency.
- Annexure A13** – True copy of Order No. B-07/Pay Fixation/NIA/Kochi/2014-15/266 dated 28.05.2014 issued by the National Investigation Agency.
- Annexure A14** – True copy of order dated 26.11.2013 in OA No. 1432/2013 of the CAT, Hyderabad.
- Annexure A15** – True copy of Order dated 23.09.2014 in OA No. 180/00390/2014 of this Hon'ble Tribunal.

RESPONDENTS' ANNEXURES

- Annexure R4(1)** – Photocopy of the letter No. CA/IAWMHA/Clarification/11-12/1863 dated 30.12.2011.

Annexure R4(2)

& 4(3) – Photocopy Note dated 06.02.2013 & DOPT UO No. 52549/2013-Estt-(Pay-II) dated 19.07.2013.

Annexure R4(4) –Photocopy of the office order No. 266/2011 dated 18.07.2011.

Annexure R4(5) –Photocopy of the option submitted by the applicant.

Annexure R4(6) –Photocopy of the undertaking dated 22.07.2011.

Annexure R4(7) –Photocopy of the Hon'ble Apex Court vide judgment dated 01.11.013 (Civil Appeal No. 9873/13 arising out of SLP © No. 17881 of 2008 U.T. Chandigarh & Ors. Vs. Gurucharan Singh & Ors.).

Annexure R4(8) –Photocopy of the order dated 12.08.2014.

Annexure R4(9) –True copy of the letter dated 26.12.2016.

Annexure R4(10) –True copy of the judgment order dated 08.10.2015.

Original Application No. 180/00846/2014

APPLICANT'S ANNEXURES

Annexure A1 – True copy of the relevant pages of the Service Book of the applicant.

Annexure A2 – True copy of statement of fixation pay of the applicant.

Annexure A3 – True copy of notification dated 05.07.2010 issued by the 2nd Respondent.

Annexure A4 – True copy of Order No. 234/2011 dated 06.06.2011 issued by the National Investigation Agency.

Annexure A5 – True copy of order No. 281/2011 dated 23.08.2011 issued by the National Investigation Agency.

Annexure A6 – True copy of Office Memorandum dated 05.01.1994 issued by the Govt. of India.

Annexure A7 – True copy of Office Memorandum dated 17.06.2010 issued by the Govt. of India.

Annexure A8 – True copy of show cause notice dated 21.04.2014 issued by the 4th Respondent to the applicant.

- Annexure A9** – True copy of order dated 12.06.2013 in OA No. 374/2012 of the CAT, Hyderabad.
- Annexure A10** – True copy of order dated 12.12.2013 issued by the Senior Accounts Officer, Regional Pay and Accounts Office, Chennai.
- Annexure A11** – True copy of letter dated 14.06.2012 issued by the NIA to the Director (JCA), DOPT, New Delhi.
- Annexure A12** – True copy of reply submitted by the applicant before the Supdt. of Police dated 20.05.2014.
- Annexure A13** – True copy of Order No. B-07/Pay Fixation/NIA/Kochi/2013/263 dated 28.05.2014 issued by the 4th Respondent.
- Annexure A14** – True copy of Order No. B-07/Pay Fixation/NIA/Kochi/2014-15/264 dated 28.05.2014 issued by the 4th Respondent.
- Annexure A15** – True copy of Order dated 26.11.2013 in OA No. 1432/2013 of the CAT, Hyderabad.
- Annexure A16** – True copy of Order dated 02.09.2014 in OA 180/391/2014 of this Hon'ble Tribunal.

RESPONDENTS' ANNEXURES

- Annexure R4(1)** – Photocopy of the letter No. CA/IAWMHA/Clarification/11-12/1863 dated 30.12.2011.
- Annexure R4(2) & 4(3)** – Photocopy Note dated 06.02.2013 & DOPT UO No. 52549/2013-Estt-(Pay-II) dated 19.07.2013.
- Annexure R4(4)** – Photocopy of the office order No. 234/2011 dated 06.06.2011.
- Annexure R4(5)** – Photocopy of the option submitted by the applicant.
- Annexure R4(6)** – Photocopy of the undertaking dated 06.06.2011.
- Annexure R4(7)** – Photocopy of the Hon'ble Apex Court vide judgment dated 01.11.013 (Civil Appeal No. 9873/13 arising out of SLP © No. 17881 of 2008 U.T. Chandigarh & Ors. Vs. Gurucharan Singh & Ors.).

Annexure R4(8) –Photocopy of the order dated 12.08.2014.

Annexure R4(9) –True copy of the letter dated 26.12.2016.

Annexure R4(10) –True copy of the judgment order dated 08.10.2015.

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