

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

**RA-228/2015 in
OA-3260/2013**

New Delhi, this the 30th day of July, 2018

Hon'ble Sh. V. Ajay Kumar, Member(J)
Hon'ble Sh. Pradeep Kumar, Member(A)

1. General Manager,
Northern Railway, Baroda House,
New Delhi.
2. Divisional Railway Manager,
DRM Office, Northern Railway
Estate Entry Road, New Delhi.
3. Senior Divisional Personnel Officer,
DRM Office, Northern Railway,
Estate Entry Road, New Delhi. ... Applicants

(Through Sh. Satpal Singh)

Versus

Jhaman Lal, (aged about.....years)
S/o Sh. Jai Sukh Ram,
Working as Loco Pilot (Goods) in Delhi Division
Presently posted as Crew Controller, New Delhi. ... Respondents

ORDER(ORAL)

Hon'ble Sh. V. Ajay Kumar, Member(J)

Heard learned counsel for the review applicant.

2. In the circumstances and for the reasons mentioned therein, MA No.2893/2015 filed for seeking condonation of delay in filing review application is allowed.

3. In spite of service of notice, none appeared for the respondents.

4. The respondent - Railways, in the OA filed the instant RA seeking review of the order dated 09.03.2015 in OA No. 3260/2013 which was disposed of by this Tribunal as under:

"4. In view of the above position, we partly allow this OA by directing the respondents not to make any recovery from the applicant's pay of the excess payment made to him. However, we make it clear that re-fixation of pay made by the respondents vide impugned order dated 26.3.2013 (Annexure A/1) shall stand. As regards the second prayer his absorption in any suitable alternative post at an early date with all consequential benefits is concerned, we direct the respondents to consider the same in accordance with rules and pass an appropriate order under intimation to him, within a period of two months from the date of receipt of a copy of this Order.

4. There shall be no order as to costs."

5. Sh. Satpal Singh, learned counsel for the review applicant submits that a Co-ordinate Bench of this Tribunal has held that the excess amount, if any, paid to the employees can be recovered by way of easy instalments. However, this Tribunal directed not to recover the excess payment made to the applicant. Learned counsel further submits that the applicant's case for absorption in any suitable alternative post cannot be considered as the applicant is already a redeployed employee. On these two grounds, learned counsel for the review applicant seeks review of the order of this Tribunal.

6. A perusal of the judgment of this Tribunal in the OA clearly shows that this Tribunal followed the decision of Hon'ble Apex Court in the case of State of Punjab and others etc. versus Rafiq Masih (White Washer) etc. in Civil Appeal No. 11527 of 2014 dated 18.12.2014 while directing the respondents not to make any recovery from the applicant's pay of the excess payment made to him. Learned counsel failed to show any decision which differs with the principle decided in the case of Rafiq Masih (supra). Further, this Tribunal even with regard to absorption of the applicant in any suitable alternative post only directed them to consider the applicant for the post in accordance with rules.

They can always pass any order considering the case of the applicant for absorption as per rules and law.

7. In the circumstances, we do not find any error apparent on the face of record or any valid ground to review the order passed in the OA. Accordingly, review application is dismissed. No costs.

(Pradeep Kumar)
Member(A)

(V. Ajay Kumar)
Member(J)

/ns/