

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

MA No. 060/01325/2018

ORIGINAL APPLICATION NO.060/00858/2017

Pronounced on :10.09.2018

Reserved on :05.09.2018

**CORAM:HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J) &
HON'BLE MS. P. GOPINATH, MEMBER (A)**

Sahib Singh

....Applicant

VERSUS

Central Board of Trustees (CBT) and another

....Respondents

Present: Mr. Madhav Pokhrel for the applicant
Mr. Aseem Rai for the respondents

ORDER

HON'BLE Ms.P.GOPINATH, ADMINISTRATIVE MEMBER

Heard.

2. During the pendency of the OA, applicant has filed an MA that recovery of the amount from the applicant in pursuance of the impugned order dated 05.12.2017 may be stayed.

3. Applicant in this MA submits that he is a Group 'C' employee and seeks a direction that the recovery of over payment made to him be set aside in the light of **State of Punjab & Ors. Vs. Rafiq Masih and Others, SCT 2015(1) 195** wherein it was held that there will be no recovery from Group 'C' employees.

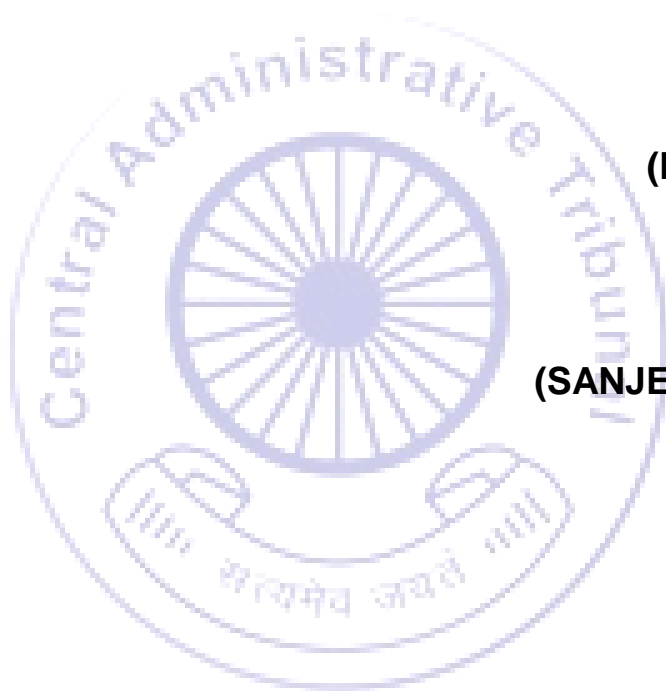
4. In view of the above, para 10 of the judgement delivered on 31.07.2018 in OA No. 060/00858/2017 is modified to the extent by addition of the following:-

“Whereas the revised pay fixation has been upheld, the applicant being a Group ‘C’ employee, the recovery of over payment is quashed. The order for recovery of over payment issued by the respondents on 05.12.2017 for the period 09.01.2014 to 12.05.2016 from the applicant is set aside.”

5. The above modification be read as part and parcel of para 10 of the judgement dated 31.07.2018.

6. MA stands disposed of accordingly.

ND*



(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)