

**Central Administrative Tribunal
Madras Bench**

OA/310/00477/2018

Dated Wednesday the 11th day of April Two Thousand Eighteen

P R E S E N T

Hon'ble Mr. R.Ramanujam, Member(A)

M.Thirunavukkarasu
S/o Munuswamy,
No.33/3, B-Block,
Ranga Flat,
Gangai Amman Kovil Street,
Valasaravakkam,
Chennai 600 087.

.. Applicant

By Advocate **M/s.K.Nithyashree**

Vs.

1. Union of India, rep by the
Secretary to Government,
M/o Finance,
Department of Revenue,
136-A, North Block,
New Delhi.
2. The Secretary,
Income Tax Settlement Commission,
Anna Salai, Anna Colony,
Teynampet, Chennai,
Tamil Nadu 600 035.

.. Respondents

By Advocte **Mr.M.T.Arunan**

ORAL ORDER

Pronounced by Hon'ble Mr.R.Ramanujam, Member(A)

Heard. The applicant has filed this OA seeking the following reliefs:-

“to direct the respondents to consider and pass orders on applicant's representations dated 21.3.2018 by fixing the pay of the applicant in the pay band of Rs.5200-20200/- with grade pay of Rs.1900/- under ACP Scheme with effect from 29.4.2006 with all consequential benefits including arrears of pay and allowances and by dropping the proceedings for recovery of alleged over-payment

to award costs and pass such further and other orders as may be deemed and proper and thus render justice.”

2. Learned counsel for the applicant submits that the applicant was appointed to the Group D post of Peon in the respondent department. He was granted I ACP to the pay scale of Rs.2610-4000 (GP Rs.1800/-) w.e.f. 29.4.2006. However, as per the DoPT OM dated 09.9.2010, he was entitled to GP of Rs.1900/- w.e.f. 29.4.2006. While so, recovery was made from his salary for the month of February 2018 towards excess payment without any notice or issuance of order of refixation or recovery. Therefore, the applicant made Annexure A14 representation dated 21.3.2018 to the respondents to refix his pay in the pay band of Rs.5200-20200 with GP Rs.1900/- with all consequential benefits including arrears of pay and allowances and to drop the proceedings for recovery of alleged over-payment. The said representation is still pending. It is submitted that the applicant would be satisfied if the competent authority is directed to consider it in accordance with

law and pass a reasoned and speaking order within a time limit prescribed by this Tribunal.

3. Mr.M.T.Arunan takes notice for the respondents.

4. Keeping in view the limited relief sought and without going into the substantive merits of the claim, the competent authority is directed to consider Annexure A14 representation dated 21.3.2018 of the applicant in accordance with law, the relevant rules and the provisions of the ACP/MACP scheme and pass a reasoned and speaking order within a period of six weeks from the date of receipt of a copy of this order. In the meantime no recovery shall be made from the applicant's pay.

5. OA is disposed of with the above direction at the admission stage.

(R.Ramanujam)
Member(A)
11.04.2018

/G/