

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.200/00203/2017

Jabalpur, this Tuesday, the 14th day of August, 2018

**HON'BLE MR. NAVIN TANDON, ADMINISTRATIVE MEMBER
HON'BLE MR. RAMESH SINGH THAKUR, JUDICIAL MEMBER**

Smt. Parvati Bai, W/o Late Shri Biharilal, aged about 54 years,
R/o Near Gram Panchayat Office Rajakhedi, Makroniya Sagar,
Distt. Sagar (M.P.) Pin Code 470004 **-Applicant**

(By Advocate – Shri Sharad Punj)

V e r s u s

1. Union of India through Secretary, Govt. of India, Ministry of Defence, New Delhi – 110001.
2. Commander Works Engineer, Military Engineering Services, Head Quarter, Jabalpur (M.P.) 482001.
3. Garrison Engineer, Military Engineering Services, Cant Saugor (M.P.) – 470001. **-Respondents**

(By Advocate – Shri P.K. Chourasia)

ORDER(ORAL)

By Navin Tandon, AM.

The applicant, who is a widow of deceased employee, is aggrieved by the order dated 29.09.2016 (Annexure A-4), whereby the respondents have cancelled the promotion order of her husband from HS-I to MCM and directed recovery of Rs.2,00,372/- in lieu of arrear of promotion paid to the deceased. She is further aggrieved by the order dated 18.06.2016 (Annexure A-5), whereby the amount of gratuity

has been withheld by the respondents. Hence, this Original Application has been filed.

2. In their reply, the respondents have mentioned that in the light of the verdict of Hon'ble Supreme Court in the case of **State of Punjab and others v. Rafiq Masih (White Washer) and others**, (2015) 4 SCC 334, recovery cannot be performed for excess payment otherwise made to the Government servant belonging to Class-III and Class-IV service or (Group C and D service). Hence, they agree with the claim of the applicant in the Original Application and assure that department will not make any recovery from the applicant.

3. Learned counsel for the applicant submits that as per the submissions made by the respondents in their reply, this O.A may be disposed of as infructuous.

4. Considering the fact that the grievance of the applicant has been redressed by the respondents as per the averments made in their reply, therefore, we do not feel it proper to proceed further in the matter.

5. Accordingly, the O.A is disposed of as having become infructuous. No costs.

(Ramesh Singh Thakur)
Judicial Member
am/-

(Navin Tandon)
Administrative Member