

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NO.170/00088/2018

DATED THIS THE 21ST DAY OF FEBRUARY 2019

HON'BLE DR. K.B. SURESH, MEMBER(J)

HON'BLE SHRI CV.SANKAR MEMBER (A)

KV.Sathyanarayana Rao,
S/o Venkataramana Bhat,
Aged about 59 years
R/O No.60, Swathi 2nd cross,
P & T Colony,
Vinobhanagar,
Shimoga 577 204.

... Applicant

(By Advocate Shri MR.Achar)

vs.

1.The Managing Director /Chairman,
Bharat Sanchar Nigam Limited,
Sanchar Bhavan,
Mathur Lane,
New Delhi 110 001.

2.The General Manager ,
Telecom District,
Shimoga 577 204.

...Respondents

(By Shri N.Amaresh Sr. Panel Counsel)

ORDER (ORAL)

HON'BLE DR. K.B. SURESH, MEMBER (J):

1. Heard. A retired Group 'C' employee challenges

recovery of Rs.49720/- against him . Apparently, on a promotion in 2007 under FR 22(1)(a)(1) his pay was fixed in accordance with the Rules. But, in 2000 BSNL had come into being and this was not ipsofacto applicable to the BSNL at that point of time. Therefore, on this ground before retirement the amount is being sought to be recovered against him. The question, therefore is whether the issue had any juncture from the applicant side. Both sides admit that applicant had no juncture in the fixation of pay. It was done by the Office by a mistake. The Hon'ble Apex Court in White Washer's judgement had made clear that in such circumstances from a low paid low level employees such amount cannot be recovered. Therefore, on the basis of Hon'ble Apex Court judgement we hold and declare that this amount cannot be recovered from the applicant. The entire recovered amount will be paid back to the applicant within next one month without interest and thereafter at the rate of 12% per annum.

2. OA is, allowed as above. No order as to costs.

(CV.SANKAR)
MEMBER (A)

(DR. K.B. SURESH)
MEMBER (J)

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Annexures referred to by the applicant in OA No.88/2018

Annexure A1: Copy of office order dated 20.11.2000

Annexure A2: Copy of service particulars of the applicant dated 24.5.2014

Annexure A3: Copy of fixation of pay under upgradation dated 6.7.2012

Annexure A4: Copy of fixation of pay dated 26.7.2012

Annexure A5: Copy of fixation of pay dated 19.4.2010

Annexure A6: Copy of recovery order dated 5.7.2017

Annexure A7: Copy of the rejection of representation dated 22.7.2017

Annexure referred to by the Respondents in the OA

Annexure R1: Copy of letter dated 8.1.2001

Annexure R2: Copy of OM. Dated 17/12/2008

Annexure R3: Copy of letter dated 3.6.2013

Annexure R4: Copy of letter dated 4.4.2017

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