

**CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH**

Original application Nos.040/00084/2019, & 040/00085/2019

Date of Order: This the 19<sup>th</sup> Day of March 2019

**THE HON'BLE MRS. MANJULA DAS, JUDICIAL MEMBER**

**THE HON'BLE MR. NEKKHOMANG NEIHSIAL, ADMINISTRATIVE MEMBER**

1. Mrs. Joyshree Daimari  
W/o Mr. Santosh Dhan  
H/No. 18, Bikash Nagar  
Modern English School Road  
Kahilipara, P.O. – Kahilipara  
Guwahati – 19, P.S. – Dispur  
Dist – Kamrup (M), Assam, Pin – 781019.

**Applicant in O.A. No. 84/2019**

2. Mrs. Neeru Gogoi  
W/o Mr. Pranjal Konwar  
Village – Kharagarh, P.O. – Kalugaon  
P.S. – Amaguri, Dist – Sivsagar  
Assam, Pin – 785666.

**Applicant in O.A. No. 85/2019**

By Advocates: Mr. N. Kalita & Mrs. A. Choudhury

-Versus-

1. The Union of India  
Represented by the Secretary  
To the Govt. of India  
Udyog Bhavan, Ministry of Textiles  
New Delhi – 110001.

2. The Central Silk Board  
Under the Ministry of Textiles  
Govt. of India  
Represented by its Member Secretary  
C.S.B. Complex, Madivala  
B.T.M Layout, Bangalore – 560068.
3. The Joint Secretary (Technical)  
Regional Office  
Central Silk Board, Khanapara  
Guwahati – 781022.
4. Deputy Director (Administration & Accounts)  
Central Silk Board, C.S.B. Complex  
Madivala, B.T.M Layout, Bangalore – 560068.

**Respondents in two O.A.s**

**O R D E R (ORAL)**

**MANJULA DAS, JUDICIAL MEMBER:**

On being mentioned by Mr. N. Kalita, learned counsel for the applicants, the matter has been taken up today as unlisted.

2. Since the relief sought for by the four applicants in the present O.A.s are similar under the same respondents, hence their cases are being disposed of by this common order.
3. This O.A. has been preferred by the applicants under Section 19 of the Administrative Tribunal's Act 1985 seeking the following relief:

"8. The orders of the Competent Authority leading to issuance of the Intimation dated 18/06/2018 and the Intimation of recovery dated 18/06/2019, directing to recover the excess payment (as objected by the Internal Audit wings of Ministry of Textile and AG Audit) made to the Applicant from the amount payable from the arrears on account of implementation of 7<sup>th</sup> CPC recommendations and from the salary in fixed instalments and any other consequential order thereto may be set aside and quashed. Also, the Respondents may be directed to pay the arrear amount receivable on account of implementation of the 7<sup>th</sup> CPC recommendation to the Applicant."

4. Mr. N. Kalita, learned counsel appearing on behalf of the applicants submitted that both the applicants are, at present working in the Regional Office, Central Silk Board, under the Ministry of Textile, Govt. of India, Khanapara, Guwahati, Assam as Assistant Superintendent (Admn). Vide Memorandum dated 29.11.2005, the junior employees to the applicants in the department of the applicant was granted financial upgradation under Assured Carrier Progression Scheme (ACPS) in the pay scale of Rs. 5000-150-8000. In those relevant times, the applicants were also working as Upper Division Clerk but in the pay Scale of Rs. 4000-100-6000. To remove the pay anomaly, the Competent Authority considered for grant higher pay scale of Rs. 5000-150-8000 w.e.f. 18.11.2005 to the applicants.

5. Mr. Kalita further submitted that such stepping up of pay of a senior at par with his junior was considered with a findings that

both the senior and junior employees should belong to the same cadre and the posts to which they have been promoted or appointed should be identical and in the same cadre. According to Mr. Kalita, junior and senior should have held identical scales in the lower post and should hold identical scales in the higher post.

6. Mr. Kalita submitted that said financial upgradation under the ACPS have been objected by the Internal Audit Wings of Ministry of Textile and AG Audit during Audit of Accounts for the financial year 2015-16 on the ground that the up-gradation allowed to the seniors is not in conformity with the instructions contained in the DoPT Office Memorandum No. 35034/1/97-Estt(D) dated 09.08.1999. On the basis of the above mentioned objection, the Ministry of Textiles has ordered that the higher pay Scales erroneously granted to the seniors should be withdrawn and their pay re fixed as per their entitlement as per rules and the excess payment made is directed to be recovered. Accordingly, vide intimation letter dated 18.06.2019, the respondents have intimated to the applicants that their excess payment will be deducted from the arrear payable to them on implementation of 7<sup>th</sup> C.P.C. recommendations which is going to be received.

7. Being aggrieved with the aforesaid intimation of recovery letter dated 18.06.2018, both the applicants submitted

representation on 12.03.2019 individually. But the same is still pending with the respondent No. 3.

8. We have heard the learned counsel for the applicants. Perused the pleadings and all the documents. We have also gone through the representation dated 12.03.2019 submitted by the applicants individually wherefrom it is felt that the said representation cannot be considered as detailed representation. On query, learned counsel for the applicants agreed that applicants may be directed to file a comprehensive representation within a time frame and till then, no recovery shall be made.

9. In view of the above, by accepting the prayer made by the learned counsel for the applicant and without going into the merit of the case as well as without issuing notice to the respondents, we direct the applicants to make a comprehensive representation by ventilating their grievances before the appropriate authority within a period of fifteen days from the date of receipt copy of this order. On receipt of such representation, the Authority shall dispose of the same within a period of one month thereafter.

10. It is made clear that, whatever decision to be arrived by the Authority, shall be reasoned and speaking and shall be communicated to the applicants forthwith. ***Till such time, no***

***recovery shall be made in pursuance of Intimation of Recovery letter***

**No. CSB/MSSO/II/7th CPC/2017-18 dated 18.06.2018.**

11. O.A. stands disposed of accordingly at the admission stage itself. No order as to costs.

**(NEKKHOMANG NEIHSIAL)  
MEMBER (A)**

**(MANJULA DAS)  
MEMBER (J)**

**PB**