

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH:
NEW DELHI**

O.A. NO.3503 of 2018

This the 12th day of September, 2019

Hon'ble Ms. Nita Chowdhury, Member (A)

1. Pal Singh
S/o Shri Ram Kishan
Loco Pilot (Mail)
Under Sr. Crew Controller
Northern Railway,
Panipat,
R/o 1131, Daya Nand Colony,
Model Town,
Karnal.

2. Kali Ram
s/o Shri Lakhi Ram
Loco Pilot (Passenger)
Under Sr. Crew Controller
Northern Railway,
Panipat,
R/o Village Sittana,
Post Kabri
Distt Panipat.

....Applicants

(By Advocate : Shri Meenu Mainee)

VERSUS

Union of India: Through

1. General Manager,
Northern Railway,
Baroda House, New Delhi.

2. Divisional Railway Manager,
Northern Railway,
State Entry Road, New Delhi.

3. Sr. Crew Controller,
Northern Railway,
Panipat.

.....Respondents

(By Advocate : Shri V.S.R. Krishna)

O R D E R (Oral)

Heard learned counsel for the parties and perused the pleadings available on record.

2. By filing this OA, the applicant is seeking the following reliefs:-

- “8.1 That the Hon’ble Tribunal may be graciously be pleased to allow this application and quash the impugned orders.
- 8.2 That the Hon’ble Tribunal may also be graciously be pleased to direct the respondents to refund the amount which has been recovered from the salary of July, 2018.
- 8.3 That the Hon’ble Tribunal may further graciously be pleased to pass any other or further order as may be deemed fit and proper on the facts and circumstances of the case.
- 8.4 That the Hon’ble Tribunal may further be graciously pleased to grant costs against the respondents and in favour of the applicant.”

3. The applicants, who were holding the posts of Loco Pilot (Mail) and Loco Pilot (Passenger) respectively, are aggrieved by the action of the respondents whereby they have started certain deductions being effected from the salary, as indicated in their pay-slip for the month of July 2018.

4. Counsel for the applicants submitted that aforesaid recoveries made by the respondents from the applicants are arbitrary and illegal as they not only reduced the applicants’ pay but also given effect to the said recovery without following

the principal of natural justice and the said action of the respondents is in violation of DOP&T instructions as well as the judgment of the Hon'ble Supreme Court in the case of **State of Punjab & others v Rafiq Masih** [(2014) 8 SCC 883].

5. On the other hand, counsel for the respondents submitted that issue involved in this case is squarely covered by the Order of the Division Bench of this Tribunal in Batch of cases (OA 4590/2017 and others) dated 11.1.2019. However, counsel for the respondents has not disputed the fact that show cause notice was not issued to the applicants before giving effect to the recovery of excess amount paid to the applicants because of overpayment made to them but he submitted and reiterated that recovery had been effected from the applicants in view of enquiry made on a complaint of overpayment to different staff of PNP lobby by OS/PNP and after receipt of inquiry report, as per the directions issued by the competent authorities.

6. In the said OA 4590/2017 and other connected cases, the Division Bench of this Tribunal in para 24 and 25 observed as under:-

“24. In the instant case, the applicants are from Central Secretariat Service and many of them are occupying very high positions. They should not be interested in possessing anything which they are not legitimately entitled to. The only direction that can be issued in this behalf is that in case the recovery becomes necessary

from the applicants, it shall be in easy installments and without any interest.

25. In case any of the applicants are of the view that their cases fit into the OM dated 13.04.1988, 23.02.1994 and 08.10.1996, and are not hit by OM dated 04.11.1993, they can certainly make individual representations duly supplying the relevant particulars, indicating how they are entitled to such benefits. If such representations are made, the concerned authority shall pass appropriate orders thereon within two months from the date of such representation."

7. Hence, the present OA is disposed of in above terms.

The applicants are given permission to represent against whatever is considered as wrong recovery by them within a period of 30 days of receipt of certified copy of this Order. Representation shall be given individually by each applicant in terms of para 25 of the Order of this Tribunal in OA 4590/2017 and other connected cases (supra). Thereafter the respondents shall pass separate speaking orders in response thereto within two months from the date of receipt of such representations. Further in terms of para 24 of the aforesaid Order as quoted above, we also direct that if recovery becomes necessary from the applicants, it shall be in easy installments and without any interest. There shall be no order as to costs.

**(Nita Chowdhury)
Member (A)**

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