

**Central Administrative Tribunal
Principal Bench**

OA No. 3661/2018

New Delhi this the 2nd day of July, 2019

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

Smt. Arya Vasudevan,
(Aged about 59 years & 10 months)
Chief Accounts Officer – Group 'A' (Executive),
W/o Sh. MS Vasudevan,
R/o Flat No.C-V/3 Sahyadri Apartments,
Plot No.5, Sector 12, Dwarka, Phase I,
New Delhi-110 078

- Applicant

(By Advocate: Mr. AK Kaushik)

VERSUS

1. Mahanagar Telephone Nigam Limited,
Through its Chairman & Managing Director,
MTNL Corporate Office,
Mahanagar Door Sanchar Sadan,
9, CGO Complex, Lodhi Road,
New Delhi – 110 003
2. The Executive Director,
Mahanagar Telephone Nigam Limited,
KL Bhawan, Janpath,
New Delhi-110 001
3. The General Manager (Finance)
Mahanagar Telephone Nigam Limited,
KL Bhawan, Janpath,
New Delhi-110 001
4. The Dy. Manager (P&A) HQ,
Mahanagar Telephone Nigam Limited,
Eastern Court, Janpath
New Delhi-110 001

- Respondents

(By Advocate: Mr. Arun Sanwal)

ORDER (Oral)

The applicant has filed the present OA, seeking the following reliefs:-

- “1. To set aside notice issued vide letter No.AO(P&A)AQ/AV/GO-88788/18-19 dated at New Delhi the 12-09-2018 (Annexure A-1) and to direct the Respondent not to recover Rs.2,39,130/- (Rs. Two lakh thirty nine thousand one hundred and thirty only) from the applicant's monthly salary for the months of September, 2018 and October, 2018 and from the leave encashment amount on superannuation on 31.10.2018.
2. To direct the Respondents to pay Rs.50,000/- to the Applicant as the cost of this litigation.
3. To pass such further order(s) and/or give direction(s) as deemed fit and proper in the facts and circumstances of the case.”

2. When the matter is taken up for hearing, counsel for the respondents informs us that pursuant to the impugned order dated 12.09.2018, the amount of Rs.20,000/- recovered from the applicant's salary has been refunded and further the difference of salary for the month of August, 2018 and September, 2018 amounting to Rs.5,984 has been sent to the Accounts Office (Cash) for making payment to the applicant. He further informs that the column of recovery in the impugned order has also been treated as NIL and the notice of overpayment had also been withdrawn by the respondents. Counsel for the applicant does not dispute this but says that the applicant has been harassed because initially some amount was deducted from her dues and hence has sought a direction to the respondents to pay Rs.50,000/- as the cost of litigation. In reply to the same, counsel for the respondents states that the action taken by them was not malafide but was a genuine mistake which they promptly rectified as soon as they came to know of it.

3. On perusal of the file, we also find that the operation of the impugned order dated 12.09.2018 has been stayed by this Tribunal on the very first day of listing of this case, i.e., 26.09.2018. Hence, the applicant has been well protected, by way of an interim order, from the consequences of the aforesaid impugned order.

3. In view of the above, nothing remains to be decided in this OA and the OA is disposed of accordingly. No order as to costs.

(Nita Chowdhury)
Member (A)

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