

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

OA No. 1144/2016

This the 14th day of August, 2019

Hon'ble Mr. S.N. Terdal, Member (J)
Hon'ble Mr. A.K. Bishnoi, Member (A)

1. Sh. Anup Singh (T No 459) , age 40 years,
Trade Man Mate
(Group C Employee)
S/o Shri Rajpal
H. No. 349, Baprola Village,
New Delhi-110043.
2. Sh. Sunil Kumar (T No 1706) , age 56 years,
Trade Man Mate
(Group C Employee)
S/o Shri Tej Ram,
H.No. 4/49, Ramesh Nagar,
New Delhi-15.
3. Sh. Mukh Lal Mehto (T. No. 2997), age 50 years,
Typewriter Mechanic,
(Group C Employee)
S/o Shri Ganga Mehto
H. No. P-72/12, Kabu Line, Delhi Cantt.,
New Delhi-10.
4. Pawan Kumar (T No. 362), age 42 years,
Trade Man Mate
(Group C Employee)
S/o Shri Sisram,
No. 1 Sub Depot C.V.D, Delhi Cantt.,
New Delhi-110010.

5. Smt. Kalawati (T No. 1784) , age 58 years,
Trade Man Mate
(Group C Employee)
W/o Shri Rati Ram,
H. No. A-1136, Mahipalpur,
New Delhi-37.

6. Smt. Shanti Devi, (T No. 1787), age 58 years,
Trade Man Mate
(Group C Employee)
W/o Shri Som Singh,
H.No. F-7, Raj Nagar Part-II,
New Delhi-45.

...Applicants

(By Advocate: Sh. Virender Singh Kadian)

VERSUS

1. Union of India,
Through the Secretary,
Ministry of Defence,
South Block, New Delhi-110001.

2. Directorate General of Ordinance Services,
Master General of Ordinance Branch,
Integrated HQs of MD (Army)
New Delhi-110011.

3. Commandant,
Central Vehicle Depot (AOC)
Delhi Cantt, New Delhi-110010.

... Respondents

(By Advocate: Ms. Sumedha Sharma)

ORDER (Oral)

Hon'ble Mr. S.N. Terdal:

Heard. Perused the documents.

2. This OA has been filed seeking the following reliefs:

“(a) Quash and set aside the impugned letter/order dated 19.01.2016 and 19.02.2016 as arbitrary, discriminatory, unreasonable and unjust.

(b) Direct respondents not to withdraw the increment granted earlier and also not to recover the amount already paid to the applicants. And/or

(c) Direct respondents to make the payment of recovered amount if any done in consequence to the orders of the respondents.

(d) Any other relief may deem fit by the Hon'ble Tribunal in a given circumstances.”

3. The relevant facts of the case are that the first ACP was given to the applicants with effect from 13.01.2007 on completion of 12 years of service which was found later to be wrongly granted. It is stated that along with the ACP, 3% increment was granted wrongly. The applicants are all Group 'D' employees. The counsel for the applicants vehemently submitted that in view of the DoP&T instructions dated 02.03.2016 (Annexure A/4), the excess amount paid by mistake shall not be recovered, particularly, from Group D employees.

4. In view of the same, the OA is allowed. The respondents are directed not to recover any amount paid to the applicants w.e.f

13.01.2007 in view of the grant of above said ACP scheme. However, in case, the respondents find that the applicants had given any undertaking for refunding the excess amount, the recovery may continue.

Accordingly, the OA is disposed of. No order as to costs.

(A.K. Bishnoi)
Member (A)

(S.N.Terdal)
Member (J)

/ns/