

**Central Administrative Tribunal
Madras Bench**

OA/310/00613/2018

Dated Monday the 4th day of June Two Thousand Eighteen

P R E S E N T

Hon'ble Mr. R.Ramanujam, Member(A)

T. Chandrasekaran
Chief Ticket Inspector
Madurai.

.. Applicant

By Advocate **M/s. R. Pandian**

Vs.

1. Union of India, rep. by
The General Manager
Southern Railway
Park Town, Chennai – 600 003.

2. The Divisional Personnel Officer
Southern Railway
Madurai Division
Madurai – 620 020. .. Respondents

By Advocate **Mr. P. Srinivasan**

ORAL ORDER

Pronounced by Hon'ble Mr.R.Ramanujam, Member(A)

Heard both sides. The applicant has filed this OA seeking the following reliefs:-

“To call for all the records relating to the fixation of pay of the applicant consequent to his promotion to the post of Chief Ticket Inspector vide No. U/P.535/III/CTIs(O.O. No. 28/2016/III/CTIs) dated 02.09.2016 and the following alleged excess payment made to the applicant; consequently to direct the respondents:

- i. to refund the amount unauthorisedly deducted from the salary of the applicant, to the tune of Rs. 22995/- as on date with applicable interest; and
- ii. to pass such other order/orders”

2. It is submitted that the applicant, while working as Deputy Chief Ticket Inspector in PB-2 in the GP of Rs. 4200 became entitled to the benefits of MACP under which he was granted his 3rd financial upgradation in PB2 with a GP of Rs. 4600. Subsequently he was promoted to the substantive post of Chief Ticket Inspector in PB-2 with GP Rs. 4600/- by an order dated 02.09.2016.

3. The grievance of the applicant is that the respondents have taken a decision to recover an alleged excess payment made to the applicant on account of an erroneous grant of benefit of pay fixation twice, once when he was granted financial upgradation and again when he was promoted. It is submitted that the applicant had no grievance against the stoppage of the benefit granted erroneously,

but no recovery could be made of any excess payment in terms of the decision of the Hon'ble Supreme Court in State of Punjab and Others etc. Vs Rafiq Masih (White Washer) and the OM dated 02.03.2016 of DOPT issued in pursuance thereof. It is alleged that the respondents had already started recovering the excess from November 2017. The applicant would be satisfied if the respondents are directed to reconsider their decision regarding recovery in the light of the settled law and stop further recovery.

4. Mr. P. Srinivasan takes notice for the respondents.

5. Keeping in view the limited relief sought and without going into the substantive merits of the case, the competent authority is directed to consider the request of the applicant to reconsider their decision regarding recovery in the light of Annexure A10 OM dated 02.03.2016 of DOPT and take an appropriate decision within a period of 3 months from the date of receipt of copy of this order. No further recovery from the pay of the applicant shall be made in the meantime. If the decision goes in the favour of the applicant, it is needless to say that the amount already recovered would be refunded to the applicant.

6. OA is disposed of at the admission stage in the above terms.

(R.Ramanujam)
Member(A)
04.06.2018

AS