

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
KOLKATA



Date of Order 13.01.2016.

Present :Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

OA. 350/00723/2015 ASOK KR. DE
OA. 350/00724/2015 SASANKA SEKHAR MUKHERJEE
OA. 350/00725/2015 GAJENDRA NATH JANA
OA. 350/00726/2015 SANJIT KR. BAG
OA. 350/01342/2014 SAROJ KR. DUTTA

-VS-

S. E. RAILWAY

For the Applicant : Mr. A. Chakraborty, Counsel
Mr. TK Biswas, Counsel

For the Respondents : Mr. BL Gangopadhyay, Counsel
Mr. AK Banerjee, Counsel

O R D E R (Oral)

Per Ms. Bidisha Banerjee, JM:-

These issues are similar and the OAs are taken for disposal analogously with the consent of both the parties.

2. It is noticed that in the OAs 723/2015, 724/2015, 725/2015 and 726/2015 the amount recovered as over payment of pay and allowance for the period the applicants were retained in PCO beyond admissible period, have been refunded back to the applicant as communicated on 20.12.2015 by the Workshop Personnel Officer after post facto approval of their retention beyond normal period in PCO, by the Board.

3. Learned counsel for the applicant submitted that the applicants have received the payment by way of pay order dated 26.11.2015. However, they are aggrieved in regard to grant of interest that would accrue on the recovered amount that was retained as recovery from the DCRG after their retirement.

4. The applicant in OA. 350/01342/2014 is aggrieved due to reduction of his basic pay from Rs. 21,030/- to Rs. 19,990 and he has asked for restoration of the basic pay with consequent relief and interest.

Learned counsel for the respondents Mr. AK Banerjee handed over a communication dated 13.11.2015 which would show that post facto approval of Railway Board has been obtained for overstay of Stage Inspectors in exigency of service in PCO beyond 5 years and two extensions of 06 months each. However, nothing is spelt out about restoring the basic pay to original.

5. Learned counsel for the applicant has also disputed that the amount refunded that has been recovered to one of the applicants.

6. Since there appear to be factual dispute in regard to the payments made and payments claimed including payment of interest on the withheld/recovered amount as well as restoration of basic pay as found in Saroj Kr. Dutta's case, the OAs are disposed of with a direction upon the respondent no. 3 or any other competent authority to give personal hearing to all the applicants after issuing individual notice to them and further to consider their grievance individually in regard to the following:

- (i) refund of the recovered amount;
- (ii) interest, if any, accrued on retained/withheld amount;
- (iii) restoration of the basic pay;

7. After such hearing the respondent authorities would pass appropriate reasoned and speaking order in accordance with law in regard to the grievance individually and would communicate the decision so taken to the applicants immediately thereafter.

8. It is made clear that we have not decided the matters on merits. All points are kept open for consideration by the respondent authorities in regard to the actual amount which was recovered and had to be refunded, interest, if any, payable thereupon and restoration of the basic pay.

9. For the purpose the applicants would file specific representation in regard to their grievance individually within 15 days from the date of communication of this order.

10. Appropriate reasoned and speaking order would be passed within 2 months after individual hearing.

11. OAs are accordingly disposed of. No costs.

(Jaya Das Gupta)
Member (A)

B. M. -
(Bidisha Banerjee)
Member (J.)

pd

(a) Sl. No. of the appln.

(b) Name of the applicant.....

(c) Dt. of presentation or
application for copy.

(d) No. of pages.....

(e) Copying fee charged/
Urgent or ordinary.....

(f) Dt. of preparation of copy..... **20/7**

(g) Dt. of delivery of the copy
to the applicant.....