

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION No.243/2013

Date of Decision: 4th July, 2019

CORAM: R. VIJAYKUMAR, MEMBER (A)
RAVINDER KAUR, MEMBER (J)

1. Suresh A. Kokate son of Ambadas Kokate, age:59 years, (Date of Birth : 19.01.1954), working as : Chief Pharmacist and Residing at : 75/K, Western Railway Quarters, Vile-Parle(East), Mumbai - 400 057.
2. Narayan R. Zope, son of Ramchandra Zope, age 55 years, (Date of Birth: 01.12.1957), working as : Sr. Pharmacist, and Residing at: Unit No.6, Bharat Nagar Society, Near Gymkhana Kalyan Road, Dombivali - 421 201.
3. Suresh C. Wankhede, sone of Chhaganlal Wankhede, Age 59 years, Date of Birth : 22.10.1954, working as Chief Pharmacist, and residing at: (Surat), Railway Quarter No.179/C, Railway Colony, Varachha Road, Surat (Gujarat), Pin - 395 006.
4. Bhavarilal Balkisan Maheshwari, son of Balkisan Maheshwarilal, Age 56 Years, (Date of Birth : 15.06.1957, working as Sr. Pharmacist, and Residing at : 99/3, Western Railway Quarters, Matunga Road (East), Mumbai - 400 019.
5. Riyaz Usman Ansari, son of Mohd. Usman Ansari, Age 56 Years, (Date of Birth:01.06.1957, working as Chief Pharmacist, and Residing at: Western Railway Quarters A-18, J.R. Hospital Campus, Mumbai Central, Mumbai - 400 008.

... Applicants

(By Advocate Shri R.G. Walia)

VERSUS

1. Union of India
Through General Manager,
Western Railway, Churchgate,
Headquarters Office,
Mumbai - 400 020.
2. Divisional Railway Manager
Office of the DRM,
Mumbai Central, Western Railway,
Mumbai - 400 008.
3. Railway Board,
Through its Secretary,
Rail Bhavan, New Delhi - 110 001.
4. The Chief Medical Superintendent,
Office of the DRM, Mumbai Central,
Western Railway,
Mumbai - 400 008. ... **Respondents**

(By Advocate Shri V.S. Masurkar)

ORDER (ORAL)

PER: R. VIJAYKUMAR, MEMBER (A)

This application has been filed on 23.04.2013 under Section 19 of the Administrative Tribunals Act, 1985 impugning a Memorandum of the respondents No.E/MD/MACP/2012/PHRM dated 20.01.2013 (Annex A-1) revising the MACP granted to the applicants and directing recovery of any overpayment. The applicant No.3 filed a representation on 27.02.2013 and a similar application is stated by their learned counsel to have been filed by the other

applicants also. In addition, the All India Railwaymen's Federation had filed a representation dated 04.05.2012 which preceded the orders of respondents but raised the same issue. On these representations, no orders have been passed by the respondents explaining the manner in which they have considered the matter.

2. When the matter came before this Tribunal, interim relief was granted against recovery. Meanwhile, a show cause notice was issued by the respondents on 24.10.2013 asking the applicants, among others, to explain why recovery should not be made and to this show cause notice, the applicants have filed a detailed response in replies, for which the replies of A-1 and A-3 have been enclosed as Annexure MA A2 dated 12.11.2013 and for which also there has been no response of the respondents.

3. Considering the foregoing circumstances, the respondents are directed to consider the representations filed by the applicants including by reference to the letter from their Union and to pass a

reasoned and speaking order within a period of six weeks from the date of receipt of a certified copy of this order and to communicate these orders to the applicants within a week thereafter. It is also directed that until such orders are passed and communicated to the applicants who filed this OA, no coercive action in regard to recovery shall be taken up by the respondents.

4. In the aforesaid terms, the Original Application is disposed of without any order as to costs.

(Ravinder Kaur)
Member (J)

(R. Vijaykumar)
Member (A)

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JD
06/7/19