

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BENGALURU**

ORIGINAL APPLICATION NO.170/01367/2018

DATED THIS THE 13TH DAY OF AUGUST, 2019

**HON'BLE DR. K.B.SURESH
HON'BLE SHRI C.V. SANKAR**

**...MEMBER(J)
...MEMBER(A)**

Sri K.N. Ranganath,
S/o G. Narase Gowda,
Aged about 43 years,
Senior Clerk,
Engineering/Works Branch,
DRM Office, South Western Railway,
Bengaluru Division,
Bengaluru.
R/at No. 62, Maruthi Nilaya,
3rd Cross, 1st Stage, Okalipuram,
Bengalure-560 023.

...Applicant.

(By Advocate Shri Dinesh S. Kadlas)

Vs.

1. The Senior Divisional Personnel Officer,
South Western Railway,
Bengaluru Division,
DRM Office, Personal Branch,
Bengaluru – 560 023.

2. The Divisional Personnel Officer,
South Western Railway,
Bengaluru Division,
Bengaluru – 560 023.

...Respondents.

(By Standing Counsel Shri N. Amaresh for Respondents)

O R D E R (ORAL)

HON'BLE DR.K.B.SURESH ...MEMBER(J)

Heard. The applicant claims that he is under the protection of White Washer's Judgment. But there is an exception to it. Exception being that if an

infraction has happened with the juncture of a particular person, then he cannot claim the benefit of such infraction, which he has caused and escape the prejudice also. That he cannot do. In the instant case, it appears that the applicant had been transferred from the post of Office Superintendent on request and he came to the bottom seniority. He came one level below. Under the rules, pay will be protected. But then, since he comes to a lower level, he is eligible for the Grade Pay attached to that level and not higher level. But then apparently the pay was fixed wrongly and therefore it is now sought to be recovered. Without any doubt, it is imminently recoverable, because it has the juncture of the applicant. He came on transfer on request. That being so, he cannot escape the burden which comes along with it. One such burden, if he comes one grade below on his request, the pay commensurate with that grade and Grade Pay will be fixed according to that Grade Pay and therefore it is to be recovered.

2. No merit in the OA. Dismissed. No costs.

(C.V. SANKAR)
MEMBER(A)

(DR.K.B.SURESH)
MEMBER(J)

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Annexures referred in O.A. No. 170/01367/2018

Annexure-A1: Copy of order dated 05.09.2013.
Annexure-A2: Copy of order dated 16.9.2013.
Annexure-A3: Copy of the order dated 18.12.2017.
Annexure-A4: Copy of order dated 22.3.2018.
Annexure-A5: Copy of order dated 18.04.2018
Annexure-A6: Copy of Pay slip April 2018.
Annexure-A7: Copy of Pay slip May 2018.

Annexures with reply statement

Annexure-R1: Copy of Office order dated 8.12.2017.
Annexure-R2: Copy of Letter 17.7.2018.
