

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BENGALURU**

ORIGINAL APPLICATION NO.170/000396/2019

DATED THIS THE 24TH DAY OF OCTOBER, 2019

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

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

M.B Gaddanakeri,
S/o Basappa Gaddanakeri
Aged about 60 years,
Retired as Telephone Mechanic,
O/o the SDO(T), BSNL,
Bagalkot-587 101.
Residing at Gaddanakeri Post
Near Post Office,
Bagalkot District-587 103.

..Applicant.

(By Advocate Shri A. R. Holla)

Vs.

1. Bharath Sanchar Nigam Limited,
Corporate Office,
4th Floor, Bharat Sanchar Bhavan,
H.C. Mathur Lane, Janpath,
New Delhi – 110 001.
By its Chairman & Managing Director,
2. The Chief General Manager Telecom ,
Karnataka Circle,
No.1, Swamy Vivekananda Road,
Halasuru, Bengaluru-560 008.
3. The General Manager Telecom District,
Bharath Sanchar Nigam Limited,
Sanchar Surabhi Building
M.G. Road, Vijayapura-586 101.
4. The Sub-Divisional Officer (T)
Bharath Sanchar Nigam Limited,
Bagalkot-587 101.

...Respondents

(By M/s K.J.C & Partners for Respondents)

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

Heard. The matter relates to recovery of excess paid amount of Rs.65399 + 14310 to the applicant, which is dated 04.10.2018 and retirement was on 31.05.2018. The applicant relies on White Washer's Judgment of the Hon'ble Apex Court. Therefore, with the help of both the counsel, we examined whether he would come firstly within the ambit of this Judgment. The applicant is only a Telephone Mechanic. Therefore, squarely comes within the ambit of it. Any extra payment is not with the juncture of the applicant, as clearly submitted by the respondents themselves. Even otherwise also, they could have recovered the amount, provided they had issued a show cause notice, giving opportunity of being heard to the applicant. Apparently, they had just recovered the said amount. Therefore, the matter has now come within the ambit of White Washer's Judgment. Therefore, we quash Annexure A-6 and other consequential orders. The amount shall be returned to the applicant without interest within the next one month and after that with 12% interest.

2. OA is allowed . No costs.

(C.V. SANKAR)
MEMBER(A)

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

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Annexures referred to by the Applicant in OA No.170/0396/2019

1. Annexure A1 : Copies of pay fixation statements dated 14.02.2011, 02.03.2012, 24.07.2013 & 24.03.2014.
2. Annexure A2 : Copy of applicant's pay slip for February 2018.
3. Annexure A3 : Copy of the order dated 21.05.2018.
4. Annexure A4 : Copy of applicant's PPO No.562018051221808.
5. Annexure A5 : Copy of order dated 06.09.2018.
6. Annexure A6 : Copy of order dated 04.10.2018.
7. Annexure A7 : Copy of applicant's representation dated 30.11.2018.

Annexures referred to by the respondents in the Reply

1. Annexure R1: Copy of letter dated 26.07.2018
2. Annexure R2 : Copy of Pay regularisation case of Sri M.B. Gaddanakeri.
3. Annexure R3 : Copy of letter dated 12.10.2018.
