

**Central Administrative Tribunal
Madras Bench**

OA 310/01257/2019

Dated Thursday the 19th day of September Two Thousand Nineteen

P R E S E N T

Hon'ble Shri. P. Madhavan, Member (J)
&
Hon'ble Shri. T. Jacob, Member (A)

J.Santhanam
312/2-A, Moogambigai Nagar Extn.,
I Cross, M.K.Kottai,
Tiruchy – 620 011.

... 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. Workshop Personnel Officer,
Central Workshops,
Southern Railway,
Ponmalai, Tiruchy – 620 004.

3. Deputy Chief Accounts Officer,
Central Workshops,
Southern Railway,
Ponmalai, Tiruchy – 620 004.

... Respondents

By Advocate **Mr. P. Srinivasan**

ORAL ORDER

Pronounced by Hon'ble Mr. P. Madhavan, Member(J)

The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

“To call for all the records relating to the retrospective revision of seniority and pay and consequent recovery of alleged Overpayment and to quash the following orders impugned therein;-

No. GPB(A)4-14 dated 14.05.2018

No. GPB(A)4-14 dated 11/16.08.2018

Both passed by the Workshop Personnel Officer (2nd respondent); consequently:-

(i) To direct the respondents to restore the pay of the applicant as was drawn earlier before giving effect to the impugned orders and fix the pay at Rs.49,000/- (in PB-2 with GP 4200) as on the date of retirement i.e., 31.10.2018.

(ii) To work out and pay all the settlement benefits taking Rs.49,000/- as the Last Pay Drawn.

(iii) To refund an amount of Rs. 3,00,000/- deducted from the settlement benefits said to be towards overpayment, with applicable interest as it is not only in violation of rules of the Respondents but also against the dictum laid down by the Hon'ble Supreme Court of India.

(iv) To pay due interest for the excess amount to be worked out consequent to re-fixing the Last Pay Drawn; and

(v) To pass such other order(s)”

2. When the matter came up for hearing, learned counsel for the applicant submits that the applicant has given representation produced as Annexure A13 dt. 21.01.2019 which is still pending with the respondents for consideration. He mainly relies on the decision of the Hon'ble Supreme Court in the case of State of Punjab and Ors Vs Rafiq Masih (White Washer) etc. and the Railway Board's Order RBE No. 72/2016 dt. 22.06.2016. He submits that the applicant will be

satisfied if his representation is considered and disposed of in accordance with rules within a time limit stipulated by this Tribunal.

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

4. **In view of the limited submission made and without going into the substantive merits of the case, the competent authority is directed to consider the Annexure A13 representation of the applicant dt. 21.01.2019 in accordance with law and in the light of the decision of the Hon'ble Supreme Court and Railway Board order and pass a reasoned and speaking order within a period of four months from the date of receipt of copy of this order.**

5. OA is disposed of at the admission stage.

(T. Jacob)
Member(A)
AS

19.09.2019

(P. Madhavan)
Member (J)