



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

OA No. 3130/2018

This the 03rd day of December, 2019

Hon'ble Mr. S.N. Terdal, Member (J)
Hon'ble Mr. Pradeep Kumar, Member (A)

Smt. Malti Ranjan (Aged about 63 years)
W/o Sh. Manoj Ranjan
Ex. Junior Accountant
National Water Development Agency
Under Ministry of Water Resources
River Development & Ganga Rejuvenation
R/o Flat No. 862, Bahawalpur Apartments
Plot No. 1, Sector-4, Dwarka
New Delhi-110075. ... Applicant

(through Sh. D.K. Chopra)

Versus

1. Director General
National Water Development Agency
18-20 Community Centre, Saket
New Delhi-110017.
2. Union of India
Through Secretary
Ministry of Water Resources
River Development & Ganga Rejuvenation
Shram Shakti Bhawan
New Delhi-110001. ... Respondents

(through Sh. Naresh Kaushik with Ms. Akshita Rao)

ORDER (Oral)

Hon'ble Mr. S.N. Terdal:

Heard Sh. D.K. Chopra, learned counsel for the applicant and Sh.
Naresh Kaushik, learned counsel for the respondents.



2. The relief prayed for by the applicant in the OA is as follows:

“(i) It is prayed to the Hon’ble Tribunal to set aside the all the impugned orders whereby the revision/reduction of Basis Pay of the applicant has been ordered for the period 1.8.1985 to 30.09.2014.

(1) Office Memorandum No. 2/56/83-Adm/14284 dt. 18.9.2014 of National Water Development Agency, New Delhi.

(2) Office Memorandum No. 2/56/83-Adm(i)/15159 dt. 25.09.2014 of National Water Development Agency, New Delhi.

(3) Office Memorandum No. 2/56/83-Admn. (ii)/15060-63 dt. 25.9.2014 of National Wter Development Agency, New Delhi.

(4) Letter No. 17/21/2013-Estt. IV dt. 16th May, 2018 issued by Ministry of Water Resources, River Development & Ganga Rejuvenation, New Delhi.

(ii) It is prayed to the Hon’ble Tribunal to kindly direct the respondents to count the service of the applicant for the period of 21.5.1984 to 31.07.1985 along with the regular service rendered by the applicant in the Department for grant of all the benefits including the pensionary benefits viz. grant of Gratuity for the period 21.5.1984 to 31.07.1985.

(iii) Gratuity along with associated payments is requested to be granted from the period from 21.5.1984 to 31.07.1985 and payment of difference of amount of short payment of Gratuity along with associated payments amounting to Rs. 97508/- is requested to be released.”

3. The relevant facts of the case are that the applicant was appointed as UDC in the pay scale of 330-560. But, however, while fixing her pay on her appointment on 31.07.1985, it was wrongly fixed as 350 and the said wrong fixation of pay went on until 2014. When the service records of the employee was re-verified at the time of retirement, the respondents noticed the above said discrepancy and issued show cause notice on 18.09.2014 giving the applicant three days time to submit her representation. The applicant submitted her representation. After due consideration of her



representation, the pay was corrected by fixing her pay as 330-560 at the entry into service in 1985 and consequently recovery was also ordered and her pension was re-fixed.

4. The learned counsel for the applicant referring to her earlier temporary appointment as Receptionist cum Telephone Operator in 1983, submits that the applicant's pay was rightly fixed at 350.

5. It is submitted by learned counsel for the respondents that the amount to be recovered, after proper fixation has been waived and only retiral benefits were re-fixed in view of the law laid down by the Hon'ble Supreme Court in the case of State of Punjab and others etc. versus Rafiq Masih (White Washer) etc.

6. After perusal of the documents, we are of the view that the action taken by the respondents as per order dated 25.09.2014 in neither arbitrary nor illegal. Hence, the OA is dismissed as being devoid of merits. No order as to costs.

(Pradeep Kumar)
Member (A)

(S.N.Terdal)
Member (J)

/ns/