



**Central Administrative Tribunal
Principal Bench**

CP No. 145/2019

IN

OA No. 2341/2017

New Delhi this the 25th day of November, 2019

Hon'ble Mrs. Vijay Lakshmi, Member (J)
Hon'ble Mr. Pradeep Kumar, Member (A)

1. Netrapal (Aged about 31 years),
S/o Late Sh. Munna Lal
Working as : Tech. Sarang Grade –III
Under Sr. Section Engineer Bridge (M)
Northern Railway Bareilly,
R/o Village + P.O. – Dhaneta,
Teh. Mirganj,
P.S.-Paschim Fatehganj,
Distt.-Bareilly (U.P.)
2. Mukesh Kumar (Aged about 25 years),
S/o Late Sh. Moti Lal
Working as : Tech. Bridge (Rivetter) Grade-III
Under Sr. Section Engineer Bridge (M)
Northern Railway Bareilly,
R/o Village + P.O. –Dhaneta,
Teh. Mirganj,
P.S.-Paschim Fatehganj,
Distt. – Bareilly (U.P.)

By Advocate : Sh. A.K. Bhakt)

Applicants

Versus

1. Sh. R.K. Kulshreshta
General Manager
Northern Railways Head Quarter
Baroda House, New Delhi
2. Sh. Vijay Singh
Chief Engineer, Bridge
Northern Railways Headquarter
Baroda House, New Delhi.



3. Sh. Pradeep Kumar,
Deputy Chief Engineer Bridge Line
Northern Railways
Tilak Bridge, New Delhi. ...Respondents

By Advocate : Sh. V S R Krishna
Sh.Krishna Kant Sharma)

O R D E R (Oral)

Hon'ble Mr. Pradeep Kumar, Member (A)

Sh. A K Bhakt, learned counsel represented the applicants and Sh. Krishna Kant Sharma and Sh. V S R Krishna, learned counsel represented the respondents.

2. The applicants preferred the instant CP pleading that the order dated 11.12.2018 in OA has not been complied with. The said order reads as under:

"7. I have gone through the facts of the case carefully and considered the rival submissions. I agree that the impugned order is not sustainable in view of the settled law that decisions, which impact the employees by way of civil consequences cannot be taken without giving sufficient opportunity to the employee of being heard. In view of the same, the impugned order is quashed and set aside. The respondents are directed to give show cause notice to the applicants individually, put across the grounds based upon which it has been proposed to withdraw the pay scale granted to the applicants and seek their response within a stipulated period of time. After receipt of the response, a decision be taken and applicants be informed by way of an appropriate and speaking order. This exercise may be completed within a period of three months from the date of receipt of a certified copy of this order.

8. The respondents are restrained from making any further recovery from the respondents. The recovery already made from the applicants shall be refunded to them within a period of three months from the date of receipt of a certified copy of this order."



3. Respondents have brought out that in accordance with para 7 of the order of this Tribunal, a show cause notice was issued to the applicants on 04.2.19 seeking their representations, if any, within a period of 10 days. The applicants preferred their representations, which were submitted on 19.2.19. This was taken into account and a final order has been passed on 27.2.19 wherein it has been held that during training period it is only the stipend which is to be given and not the regular pay scale. Since regular pay scale was incorrectly granted, recoveries have been made on this account on easy instalments.

The operative part reads as under:

"During the entire training period of three year from the date of appointment, you are entitled to grant of payment of stipend according to the existing policy of Railway Board's for which you have already been intimated through show cause notice dated 01-02-2019 which was acknowledge by you on 12-02-2019 as mentioned above. But erroneously all relevant allowances & payments were made as per regular pay scales granted/mentioned in the office notice dated 28-07-2012 which should have been stipend only instead of regular pay & allowances as noticed later on. Therefore, excess payment made needs to be recovered from your regular salary in easy installment.

It needs to be mentioned that earlier recoveries were made vide order no. E1/BR/BE/2017 dated 16.05.2017. Keeping in view this order, the recoveries earlier ordered are being resumed in easy installments."

3.1 Further para 7 and 8 of judgment are to be read together and not in isolation. Since action has been taken as per para 7, it is full compliance.



4. Matter has been heard. In view of the substantive compliance of the Tribunal's order, there is no merit in CP and the CP stands closed. Notices issued to the respondents are discharged. Applicant shall have liberty to agitate the matter, if certain grievance still subsists. No costs.

(Pradeep Kumar)
Member (A)

(Justice Vijay Lakshmi)
Member (J)

sarita