

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

WRIT PETITION No.18058 OF 2004

ORDER: (Per Hon'ble Sri Justice V. Ramasubramanian)

Aggrieved by the removal of a relief granted to him originally, on a Review Application filed by the Railway administration, a retired employee has come up with the present writ petition.

Heard Mrs. K. Rajya Lakshmi, learned counsel for the petitioner, and learned standing counsel appearing for the respondents.

The petitioner took voluntary retirement and retired from service on 31.10.2000. On the date of his retirement, the Railway administration sought to revise his basic pay with effect from 01.01.1986 onwards and on the ground that there was wrong pay fixation also sought to effect recovery. On an Application filed by the petitioner in O.A. No.1341 of 2001, the Central Administrative Tribunal Bench at Hyderabad, (for short, 'the Tribunal') set-aside the recovery and re-fixation on the basis of the decision of the Supreme Court in ***Shyam Babu Verma and others Vs. Union of India and others***¹.

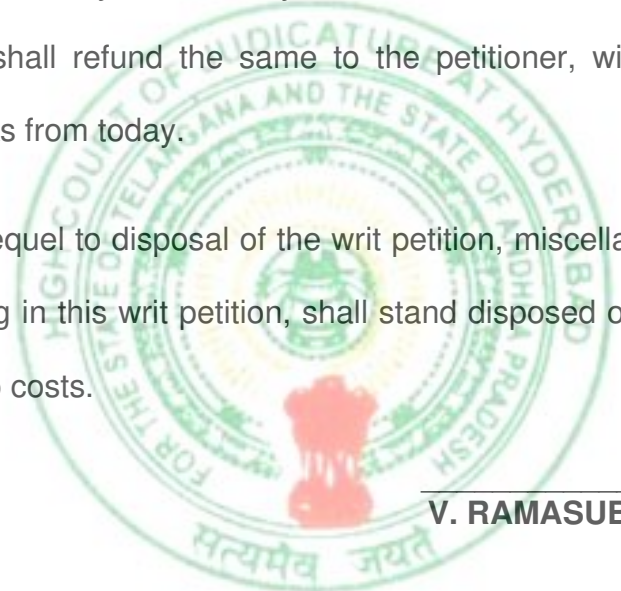
The Railway administration filed a Review Petition in R.A. No.14 of 2003 on the file of the Tribunal. Even while sustaining the original order setting-aside the recovery, the Tribunal modified its original order, by holding that the pay revision cannot be interfered with, though recovery ought not to have been made. As a consequence, the recovery was stopped, but the pay of the petitioner and the consequential pension were sought to be revised. Therefore, the petitioner is before us.

¹ 1994 (2) SCC 521

As rightly contended by the learned counsel for the petitioner, the re-fixation, if prospectively done from 01.08.2000, the date on which the Pay Commission recommendations were implemented, there can be no objection. But, today a revision of pay with effect from 01.01.1986, on 31.10.2000, the date of retirement of the petitioner, is completely arbitrary. Therefore, the Tribunal was wrong in allowing the Review Application. Hence, the writ petition is allowed. The order passed by the Tribunal in Review Application is set-aside. The order passed in the Original Application shall stand restored.

If any recovery has already been affected from the petitioner, the respondents shall refund the same to the petitioner, within a period of eight (8) weeks from today.

As a sequel to disposal of the writ petition, miscellaneous petitions, if any, pending in this writ petition, shall stand disposed of as infructuous. No order as to costs.



V. RAMASUBRAMANIAN, J

G. SHYAM PRASAD, J

Date: 08-11-2016.
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(Order of the Division Bench delivered by
Hon'ble Sri Justice V. Ramasubramanian)

Date. 08-11-2016

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