

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.702 of 2018

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Basant Chaudhary son of late Choutan Choudhary resident of Bahadurpur Housing Colony, P.S. Agamkuan, District - Patna.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Telecommunications having its office in Sanchar Bhawan, New Delhi.
2. The Bharat Sanchar Nigam Limited, through the Chairman-cum-Managing Director, Bharat Sanchar Nigam Limited, undertaking-B 201, Stateman House, Barakahaba Road, New Delhi
3. The Chief General Manager, Bihar Telecom Circle, Sanchar Sadan, Budh Marg, P.S. - Kotwali, District-Patna.
4. The Controller of Communication Accounts, Bihar Telecom Circle, CTO, Canteen Building, Budh Marg, P.S.-Kotwali, District-Patna
5. The Communication Accounts Officer, office of the Controller of Communicating Accounts, CTO, Canteen Building, PS-Kotwali, District-Patna.
6. The General Manager (MS), CTO, Canteen Building, Budh Marg, P.S.-Kotwali, District - Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sanjeev Kumar Mishra
For the Respondent/s	:	Mr. Sachdida Nand Singh
		Renuka Sharma

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
and
HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SHIVAJI PANDEY)

6 29-01-2020 Heard learned counsel for the petitioner and learned counsel for the Union of India.

In the sole question has been raised by the petitioner that the authority cannot revise the pay scale preceding twelve months from the date of his retirement and in the present case it has been found that the pay fixation of the petitioner was done



wrongly on 16.11.1999 and exercising the administrative power, they have found that it is a wrong fixation of pay as his pay should have been fixed at Rs.6025 in place of Rs.6200. The sole issue has been dealt with by the Tribunal and it is held that the authority has a power to make rectification in the pay in exercise of power under rule 59 (1) (b) (iii) of the CCS Pension Rules. If the wrong fixation has been done, the authority has complete right to make rectification of the fixation, but at the same time, the relief has been granted by the Tribunal that the authority will not recover any amount under the heading of excess payment.

We do not find any error in the impugned order and, accordingly, this petition is dismissed. However, the petitioner is at liberty to raise issue with regard to correctness of the pay fixation before the authority concerned.

(Shivaji Pandey, J)

(Anjani Kumar Sharan, J)

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