



1219 of 2019, respectively, on the file of the Central Administrative Tribunal (CAT), Madras Bench and quash the same and to pass an order directing the respondents 1 to 3 herein not to recover any amount on re-fixing of the petitioner's pay by the respondents 1 to 3 under the guise of the order in Office Memorandum No.NIOT/E&P/Audit/2016/O.M.Nos.182 and 193, dated 22.07.2019 issued by the third respondent pending disposal of O.A.Nos.1220 and 1219 of 2019, respectively, on the file of the Central Administrative Tribunal (CAT), Madras Bench.

For petitioner in
both W.Ps' : Mr.A.Kalaivanan

For respondents in
both W.Ps' : Mr.V.Vijay Shankar
Standing Counsel

C O M M O N O R D E R

(The Order of the Court was made by K.KALYANASUNDARAM, J)

These writ petitions have been filed challenging the Order passed by the Central Administrative Tribunal [hereinafter referred to as "CAT"] in O.A.Nos.1219 and 1220 of 2019.

2. The petitioners were appointed in National Institute of Ocean Technology [NIOT] on contract basis. In 2008, a notification was issued for regular appointment, in which, the petitioners were also selected and appointed on regular basis. While fixing salary, earlier salary of the petitioners were taken note of and higher pay was fixed. During audit inspection for the financial year 2012-13, objections were raised with regard to fixation of pay. Based on the objections, proceedings were initiated to recover the excess payment. Questioning the same, O.A.No.465 of 2019 was filed before the CAT. By an order dated, 08.03.2019, the respondents were directed to consider the representation of the writ petitioners. Thereafter, an order was passed on 22.07.2019, rejecting their representation. Challenging the same, the petitioners have filed O.A.Nos.1219 and 1220 of 2019 before the CAT.

3. It appears on 24.10.2019, the CAT granted an order of interim stay, restraining the Authorities from recovering the amount, however, after hearing the parties, interim order was vacated on 31.01.2020. The petitioners are challenging the order dated 31.01.2020 in these writ petitions.

4. The learned counsel appearing for the petitioners Mr.A.Kalaivanan has reiterated the case of the petitioners projected in the Writ Petitions and justified the interim stay granted by the Tribunal on 24.10.2019.



5. The learned Standing Counsel appearing for the respondents Mr.V.Vijay Shankar would state that the petitioners were appointed on contract basis in the year 2002 and in the year 2009 they were made as regular employees. However, while fixing their salary, the Authorities have fixed higher salary, instead of fixing minimum pay. In view of the audit objections made in the year 2012-13, their pay was regularized and recovery proceedings were initiated against the petitioners. It is his further submission that there is no illegality in vacating the interim order granted in favour of the petitioners.

6. Heard the submissions of the learned counsels and perused the materials available on record.

7. In the matter on hand, it is not in dispute that challenge in the Writ petitions is the interim order passed by the CAT, wherein, the Tribunal has vacated the interim stay granted earlier. It is pertinent to note that the petitioners have challenged the re-fixation of salary and recovery of the excess amount in the Original Application Nos.1219 and 1220 of 2019. Admittedly, both the Original Applications are pending. Therefore, it would not be appropriate to decide the rights of the parties at this juncture. Any opinion expressed on merits of the case would have impact on the cases, which are pending before the CAT.

8. However, considering the facts and circumstances of the case, we are of the opinion that the recovery of excess amount from the petitioners alone can be stayed. The Central Administrative Tribunal is requested to dispose of the Original Application Nos.1219 and 1220 of 2019, as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of this order.

9. Accordingly, the Writ Petitions stands ordered. There is no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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1. The Secretary,
Government of India,
Ministry of Earth Sciences,
New Delhi - 110 003.

- +2cc to Mr.A.Kalaivanan, Advocate, S.R.No.49302, 49303

AK-II (CO)
RGA (11/10/2021)