

Court No. - 3

Case :- WRIT - A No. - 9667 of 2012

Petitioner :- Union Of India Thru G.M. Northern Railway And Others

Respondent :- Amar Bahadur Singh And Another

Counsel for Petitioner :- Prashant Mathur

Counsel for Respondent :- Yashwant Singh

Hon'ble Surya Prakash Kesarwani,J.

Hon'ble Chandra Kumar Rai,J.

Heard learned counsel for the petitioner.

This writ petition has been filed praying for the following reliefs:-

"(i) To issue writ, order or direction in the nature of certiorari quashing the impugned order dated 11.5.2011 passed by Central Administrative Tribunal, Allahabad Bench, Allahabad in Original Application.

(ii) To issue writ, order or direction in the nature of mandamus, commanding the respondents not to give effect to impugned order dated 11.5.2011, passed by Central Administrative Tribunal, Allahabad Bench, Allahabad in Original Application No.1029 of 2009, Amar Bahadur Singh vs. Union of India and Others (Annexure -1 to the writ petition)."

Briefly stated facts of the present case are that respondent no.1 was initially appointed on the post of Khalasi on 10.11.1973 in Head Quarter, Ludhiana, North Railway and, thereafter, he was transferred from the Firozpur Division to Lucknow Division on 1.1.1985. On 6.1.1985, he joined his duty under the supervision of Chief Train Inspector, Pratapgarh on the post of Technician Grade-III and further has been promoted on the post of Technician Grade-II on 6.7.1994 and was again promoted on the post of Technician Grade-I on 21.4.1999. Subsequently, he was transferred on 6.8.2008 to Varanasi Division. On 1.5.2008, a revised fixation has been issued to respondent no.1. Thereafter, it transpired that there was some error in the revised pay of respondent no.1 which resulted in some amount as excess payment of salary to him. Therefore, the petitioners sought recovery from respondent no.1 which insisted respondent no.1 to file O.A. No.1029 of 2009 which has been decided by the Central Administrative Tribunal, Allahabad Bench, Allahabad by the impugned order dated 11.5.2011.

We have perused the impugned order of the Tribunal and find that the same is just and proper. The respondent no.1 also must have retired from service as he was initially appointed in the year 1973 i.e. about 49 years ago.

In view of aforesaid, we do not find any good reason to interfere with the impugned order and that apart we also do not want to exercise our discretionary jurisdiction under Article 226 of the Constitution of India.

For all the reasons aforestated, the writ petition is dismissed.

Order Date :- 19.10.2022

C.Prakash