

(2020) 08 CAT CK 0058

In the Central Administrative Tribunal

Case No : Original Application No. 1137 Of 2020

Lal Chand Ex-painter

APPELLANT

Vs

Director General & Others

RESPONDENT

Date of Decision : 26-08-2020

Acts Referred:

Citation : (2020) 08 CAT CK 0058

Hon'ble Judges : A.K. Bishnoi, Member (A); R.N. Singh, Member (J)

Bench : Division Bench

Advocate : Prem Chand, Vertika Sharma

Final Decision : Disposed Of

Judgement

R.N. Singh, Member (J)

1. Heard the learned counsel for the applicant.
2. Learned counsel for the applicant submits that the applicant has retired from the post of Painter under the respondents after attaining the age of superannuation on 31.12.2019.
3. After retirement of the applicant, the respondents have re-fixed the pay of the applicant and reduced the same vide order dated 30.1.2020. He further submits that the respondents have issued a show cause notice for recovery of alleged excess payment made to him on 2.3.2020. Mr. Prem Chand, learned counsel for the applicant further adds that aggrieved by the order of re-fixation of his pay after his retirement, the applicant has preferred a representation dated 19.4.2020 and the applicant has also filed a reply to the aforesaid show cause notice issued by the respondents. The applicant's aforesaid representation and the reply to the show cause notice are still pending consideration of the respondents. He further argues that the applicant apprehends that the respondents may initiate recovery illegally at any moment.
4. Ms. Vertika Sharma, learned counsel for the respondents, who appears on

advance service, submits that the present OA is not maintainable inasmuch as the applicant along with few others have already filed OA No.600/2018 and reliefs sought in the present OA are identical or consequential to the reliefs sought in the OA No.600/2018.

5. We have heard learned counsel for the parties.

6. It is not in dispute that the applicant has filed the present OA against the revision/ reduction of his pay after his retirement vide order dated 30.1.2020 and inaction of the respondents in passing any order after his reply to the aforesaid show cause notice issued in March 2020. In the aforesaid background, we find that the applicant could not have been in a position to file the present OA in the year 2018.

7. Moreover, the learned counsel for the applicant at this stage submits that the present OA can be disposed of with direction to the respondents to consider the applicant's aforesaid representation dated 19.4.2020 as well as applicant's reply dated 06.3.2020 referred to hereinabove.

8. In view of the aforesaid facts and circumstances, we are of the considered opinion that if such a request of the learned counsel for the applicant is accepted, no prejudice is likely to be caused to the respondents.

9. In view of the aforesaid facts and circumstances, without going into the merits of the claim of the applicant, we dispose of the present OA with direction to the respondents to consider the applicant's aforesaid representation dated 19.4.2020 and applicant's reply dated 06.3.2020 to the show cause notice referred to hereinabove by passing an appropriate reasoned and speaking order as expeditiously as possible and in any case within eight weeks of receipt of the copy of this Order.

10. The OA is disposed of in the aforesaid terms. No order as to costs.