

Eastern Railway
(Personnel Department)
17 N. S. Road
Kolkata - 700 001

Serial Circular No. 6/2016

No. E.368/0/ACP/CC/Misc.

Kolkata, Dated: 12/01/2016

ALL CONCERNED

(As per the standard List)

Sub: Sharing of information regarding favourable judgment.

Following copy of Railway Board's letter No. **PC-V/2014/CC/Misc** dated 06.01.2016, along with its enclosure on the above noted subject is forwarded herewith for information and guidance. Board's earlier letter dated 07/10/2015 mentioned therein was circulated under this office serial No. **153/2015**.

(K. K. Murmu)

Asstt. Personnel Officer/R&Bills
For Chief Personnel Officer
Phone No. 24118

Copy of Board's letter No. **PC-V/2014/CC/Misc** dated 06.01.2016 addressed to the GM (P)/All Zonal Railways & others with a copy to FA&CAOs.

Sub: Sharing of Information regarding favourable judgment.

In continuation to Board's letter of even no. dt 07/10/2015 please find enclosed a copy of order dt. 20.10.2015 of Hon'ble CAT/Chandigarh in OA No. 1535/PB/2013 (T. P. Mishra & Ors. V/s UOI & Ors.) decided in favour of Union of India. In this case the applicants had claimed for grant of 3rd financial upgradation under MACPS on completion of 20 years from the 1st promotion/upgradation (i.e. ignoring their 2nd promotion/upgradation). The Hon'ble Tribunal taking cognizance of relevant circulars/instructions have observed that eligibility of 3rd MACP will not arise unless there is a gap of 10 years after the grant of 2nd MACP; OR he completes 30 years of service and have dismissed the O.A. in favour of Railway Administration vide their order dt. 20.10.2015.

2. It is advised that the aforementioned orders of the Hon'ble Tribunal may please be brought to the notice of all the concerned including the officials of the Divisions with instructions to effectively utilise this order while contesting the cases involving identical issue. Please acknowledge the receipt of this letter.

DA: As above.

Sd/-(N. P. Singh)
Dy. Director, PC-V
Railway Board

INDEX No.1060: Favourable judgment in the matter relating to grant of 3rd financial upgradation under the MACPS.

Contd...

CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH

O.A.NO. 1535/PB/2013 Date of order:- 20.10.2015

Coram: Hon'ble Mr. Sanjeev Kaushik, Member (J)
Hon'ble Mr. Uday Kumar Varma, Member (A).

1. Shri T.P. Mishra S/o Shri K.P. Mishra, presently working as Sr. Section Engineer, Employee No.100798, Rail Coach Factory, Kapurthala, Punjab.
2. Shri Harmesh Kumar S/o Shri Megh Raj Goyal, aged about 50 years, presently working as CMS, Employee No. 452511, Rail Coach Factory, Kapurthala, Punjab.
3. Shri Suram Chand S/o Shri Baghela Ram, presently working as CMS, Employee No. 450766, Rail Coach Factory, Kapurthala, Punjab.
4. Shri D.K. Sharma S/o Shri M.L. Sharma, presently working as CMS, Employee No. 452371, Rail Coach Factory, Kapurthala, Punjab.
5. Shri R.P. Mall S/o Shri Mehtab Narian, presently working as CMS, Employee No. 452437, Rail Coach Factory, Kapurthala, Punjab.
6. Shri Gopal Kishan S/o Shri Makhan Lal, presently working as CMS, Employee No. 452441, Rail Coach Factory, Kapurthala, Punjab.
7. Shri Rajesh Kumar S/o Shri B.D. Maheshwari, presently working as CMS, Employee No. 450728, Rail Coach Factory, Kapurthala, Punjab.
8. Shri J.P. Tamta S/o Shri Gulap Ram, presently working as CMS, Employee No. 4451420, Rail Coach Factory, Kapurthala, Punjab.

He

9. Shri Preet Pal Singh S/o Shri Baldev Singh, presently working as CMS, Employee No. 450790, Rail Coach Factory, Kapurthala, Punjab.
10. Shri M.R. Godara S/o Shri S.L. Godara, presently working as CMS, Employee No. 453425, Rail Coach Factory, Kapurthala, Punjab.
11. Shri Amar Kumar S/o Shri Prem Nath, presently working as CMS, Employee No. 452865, Rail Coach Factory, Kapurthala, Punjab.
12. Shri Saunu Lal S/o Shri Badru Lal, presently working as CMS, Employee No. 450770, Rail Coach Factory, Kapurthala, Punjab.
13. Shri Gurmukh Singh S/o Shri Surjit Singh, presently working as CMS, Employee No. 453529, Rail Coach Factory, Kapurthala, Punjab.
14. Shri Balwinder Singh S/o Shri Didar Singh, presently working as Sr. Section Engineer, Employee No. 451326, Rail Coach Factory, Kapurthala, Punjab.
15. Shri Kanwaljit S/o Shri Lala Ram, presently working as Sr. Section Engineer, Employee No. 351310, Rail Coach Factory, Kapurthala, Punjab.
16. Shri Sanjay Kumar Mehta S/o Shri Sant Lal, presently working as Sr. Section Engineer, Employee No. 453232, Rail Coach Factory, Kapurthala, Punjab.
17. Shri Rakesh Kumar Sood S/o Shri Yash Pal Sood, presently working as Sr. Section Engineer, Employee No. 453730, Rail Coach Factory, Kapurthala, Punjab.
18. Shri R.P. Singh Khalsa S/o Shri Raghbir Singh, presently working as Sr. Section Engineer, Employee No. 352258, Rail Coach Factory, Kapurthala, Punjab.

19. Shri Dalbir Singh S/o Shri Massa Singh, presently working as Sr. Section Engineer, Employee No. 455539, Rail Coach Factory, Kapurthala, Punjab.
20. Shri Rajiv Shukla S/o Shri H.P. Shukla, presently working as Sr. Section Engineer, Employee No. 451561, Rail Coach Factory, Kapurthala, Punjab.
21. Shri Sanjiv Kumar S/o Shri Krishan Chand, presently working as Sr. Section Engineer, Employee No. 352474, Rail Coach Factory, Kapurthala, Punjab.
22. Shri Gurminder Singh S/o Shri Parkash Singh, presently working as Sr. Section Engineer, Employee No. 350746, Rail Coach Factory, Kapurthala, Punjab.
23. Shri Deepak Kumar S/o Shri Gurdial Bhandari, presently working as Sr. Section Engineer, Employee No. 451523, Rail Coach Factory, Kapurthala, Punjab.
24. Shri Pawan Singh S/o Shri Joginder Singh, presently working as Sr. Section Engineer, Employee No. 452013, Rail Coach Factory, Kapurthala, Punjab.
25. Shri Surjit Singh S/o Shri Rameshwar Singh, presently working as Sr. Section Engineer, Employee No. 453139, Rail Coach Factory, Kapurthala, Punjab.
26. Shri Jaskaur Singh Brar S/o Shri Jagir Singh, presently working as Sr. Section Engineer, Employee No. 451932, Rail Coach Factory, Kapurthala, Punjab.
27. Shri Hardeep Singh S/o Shri Gurdev Singh, presently working as Sr. Section Engineer, Employee No. 454502, Rail Coach Factory, Kapurthala, Punjab.
28. Shri Sanjay Kumar Dua S/o Shri Hans Raj Dua, presently working as Sr. Section Engineer, Employee No. 451612, Rail Coach Factory, Kapurthala, Punjab.

He/

29. Shri K.P. Sharma S/o Shri Baljeet Singh, presently working as Sr. Section Engineer, Employee No. 450802, Rail Coach Factory, Kapurthala, Punjab.
30. Shri Pardeep Kumar S/o Shri Dass Ram, presently working as Sr. Section Engineer, Employee No. 451222, Rail Coach Factory, Kapurthala, Punjab.
31. Shri Ram Khilawan Pal S/o Shri Mewa Lal, presently working as Sr. Section Engineer, Employee No. 456086, Rail Coach Factory, Kapurthala, Punjab.
32. Shri Raminder Kumar S/o Shri Sanehi, presently working as Sr. Section Engineer, Employee No. 455613, Rail Coach Factory, Kapurthala, Punjab.
33. Shri A.K. Rai S/o Shri S.P. Rai, presently working as Sr. Section Engineer, Employee No. 453374, Rail Coach Factory, Kapurthala, Punjab.
34. Shri R.K. Sharma S/o Shri B.R. Sharma, presently working as Sr. Section Engineer, Employee No. 450747, Rail Coach Factory, Kapurthala, Punjab.
35. Shri Manoj Kumar Tiwari S/o Shri B.N. Tiwari, presently working as Sr. Section Engineer, Employee No. 451148, Rail Coach Factory, Kapurthala, Punjab.
36. Shri Umesh Kumar Sharma S/o Shri M.L. Sharma, presently working as Sr. Section Engineer, Employee No. 452480, Rail Coach Factory, Kapurthala, Punjab.
37. Shri Rajinder Singh S/o Shri Mishri Singh, presently working as Sr. Section Engineer, Employee No. 452583, Rail Coach Factory, Kapurthala, Punjab.
38. Shri Gurninder Singh Rai S/o Shri Rattan Singh, presently working as Sr. Section Engineer, Employee No. 455632, Rail Coach Factory, Kapurthala, Punjab.

12/

39. Snri Rajan Sood S/o Shri M.L. Sood, presently working as Sr. Section Engineer, Employee No. 452386, Rail Coach Factory, Kapurthala, Punjab.
40. Shri Farman U. Khan S/o Shri A.K. Niayzi, presently working as Sr. Section Engineer, Employee No. 450540, Rail Coach Factory, Kapurthala, Punjab.
41. Shri Pawan Kumar Kansal S/o Shri J.B. Gupta, presently working as Sr. Section Engineer, Employee No. 451913, Rail Coach Factory, Kapurthala, Punjab.
42. Shri R.K. Sood S/o Shri Diwan Chand Sood, presently working as Sr. Section Engineer, Employee No. 451114, Rail Coach Factory, Kapurthala, Punjab.
43. Shri H.S. Rattu S/o Shri Harbhajan Singh, presently working as Sr. Section Engineer, Employee No. 451190, Rail Coach Factory, Kapurthala, Punjab.
44. Shri Bihari Lal S/o Shri Jagat Ram, presently working as Sr. Section Engineer, Employee No. 451881, Rail Coach Factory, Kapurthala, Punjab.
45. Shri Rajesh Taneja S/o Shri H.R. Taneja, presently working as Sr. Section Engineer, Employee No. 451576, Rail Coach Factory, Kapurthala, Punjab.
46. Shri Gurdev Kumar Sharma S/o Shri Sita Ram Sharma, presently working as Sr. Section Engineer, Employee No. 456245, Rail Coach Factory, Kapurthala, Punjab.
47. Shri Rajinder Singh S/o Shri Gurbachan Singh, presently working as Sr. Section Engineer, Employee No. 451434, Rail Coach Factory, Kapurthala, Punjab.
48. Shri A.C. Srivastava S/o Shri A.B.L. Srivastava, presently working as Sr. Section Engineer, Employee No. 450573, Rail Coach Factory, Kapurthala, Punjab.

49. Shri Darshan Lal S/o Shri Mehar Chand, presently working as Sr. Section Engineer, Employee No. 452526, Rail Coach Factory, Kapurthala, Punjab.
50. Shri Sudesh Pal S/o Shri Chhotan Lal, presently working as Sr. Section Engineer, Employee No. 451097, Rail Coach Factory, Kapurthala, Punjab.
51. Shri Balkar Singh S/o Shri Dalip Singh, presently working as Sr. Section Engineer, Employee No. 451186, Rail Coach Factory, Kapurthala, Punjab.
52. Shri Newton Bhatia S/o Shri D.R. Bhatia, presently working as Sr. Section Engineer, Employee No. 451241, Rail Coach Factory, Kapurthala, Punjab.
53. Shri S.P. Sharma S/o Shri R.D. Sharma, presently working as Sr. Section Engineer, Employee No. 025205, Rail Coach Factory, Kapurthala, Punjab.
54. Shri A.K. Sharma S/o Shri H.S. Sharma, presently working as Sr. Section Engineer, Employee No. 025101, Rail Coach Factory, Kapurthala, Punjab.
55. Shri Ramji Lal S/o Shri Sita Ram, presently working as Sr. Section Engineer, Employee No. 453478, Rail Coach Factory, Kapurthala, Punjab.
56. Shri Mukesh Kumar Garg S/o Shri Kailash Chand, presently working as Sr. Section Engineer, Employee No. 452070, Rail Coach Factory, Kapurthala, Punjab.
57. Shri Rajesh Kumar Jatana S/o Shri Ram Swaroop Jatana, presently working as Sr. Section Engineer, Employee No. 453073, Rail Coach Factory, Kapurthala, Punjab.
58. Shri Parmod Kumar S/o Shri V.P. Sharma, presently working as Sr. Section Engineer, Employee No. 453711, Rail Coach Factory, Kapurthala, Punjab.

59. Shri M.S. Khan S/o Shri N.D. Khan, presently working as Sr. Section Engineer, Employee No. 452795, Rail Coach Factory, Kapurthala, Punjab.
60. Shri Rajiv Kumar Gupta S/o Shri Om Parkash Gupta, presently working as Sr. Section Engineer, Employee No. 452812, Rail Coach Factory, Kapurthala, Punjab.
61. Shri Vijay Kumar S/o Shri Raghunath Parshad, presently working as Sr. Section Engineer, Employee No. 455914, Rail Coach Factory, Kapurthala, Punjab.
62. Shri Rajesh Kumar Baweja S/o Shri S.P. Baweja, presently working as Sr. Section Engineer, Employee No. 453360, Rail Coach Factory, Kapurthala, Punjab.

....Applicants

(By Advocate :- Mr. Sanjeev Manrai, Sr. Advocate with Mr. S.P.Garg & Mr. Vikas Bishnoi)

Versus

1. Union of India cum Ministry of Railways, Rail Bhawan, New Delhi through its Secretary.
2. The Railway Board, Rail Bhawan, New Delhi through its Chairman.
3. The General Manager, Rail Coach Factory, Hussainpur, Kapurthala.
4. Department of Personnel & Training, North Block 5th Floor, Sardar Patel Bhawan, New Delhi.
5. Principal Director of Audit, Rail Coach Factory Hussainpur, Kapurthala.

...Respondents

12/

(By Advocate : Mr. Yogesh Putney).

ORDER

Hon'ble Mr. Uday Kumar Varma, Member (A):

Sixty two applicants have jointly filed the present Original Application under Section 19 of the Administrative Tribunals Act, 1985, praying for quashing the Audit para dated 28.3.2013 (Annexure A-6) and letters dated 30.4.2013(A-9) , 22/24.5.2013(A-11), 8.6.2013(A-12), 1.10.2013(A-18), 31.10.2013(A-1) & 10.9.2013 A-23) respectively.

2. Facts of the case are that all the applicants are working under the respondent Rail Coach Factory, Kapurthala. Ministry of Personnel, Public Grievances & Pensions (Department of Personnel & Training), Government of India, issued office memorandum dated 19.5.2009 by Modified Assured Career Progressive Scheme (MACPS) was introduced with effect from 1.9.2008, wherein three financial up-gradations for an employee in his service career. The said MACPS was considered and approved by the Ministry of Railways vide letter dated 10.6.2009. The applicants have pleaded that the post of SSF and SE was merged in the same grade pay and the post was designated as Senior Sectional Engineer in the grade pay of Rs.4600/-

in pay band-2. Similarly, the post of Chemical & Metallurgical Superintendent Gr.II and Chemical & Metallurgical Superintendent Gr.II were merged and designated as Chemical & Metallurgical Superintendent in grade pay of Rs.4600/- in pay band-2. In pursuance of the MACPS, all the applicants were granted the 3rd MACP as per their entitlement vide office orders at Annexure A-5. However, the Audit Officer, RCF, Kapurthala in its audit para dated 25.3.2013 (A-6) had objected to the grant of 3rd MACPS to the applicants in pursuance of letter dated 10.6.2009. Feeling aggrieved against the audit para dated 25.3.2013, the Staff Council of the RCF, Kapurthala, submitted a representation dated 8.4.2013 to respondent no.3 for withdrawal of the audit para.

3. In pursuance of the representation submitted by the Staff Council, respondent no.3 wrote a letter dated 25.4.2013 to Audit Officer for clarifying the position and for closing the said audit para. But the Audit Officer vide letter dated 30.4.2013 had declined to move its interpretation and insisted that the 3rd MACP granted to the applicants was wrong. Respondent no.3 through letter dated 8.5.2013 sought clarification from the Railway Board and the Railway Board vide letter dated 24.5.2013 answered the said clarification in negative. On the basis of the letter dated 24.5.2013, the respondents issued office order dated 8.6.2013 by withdrawing the

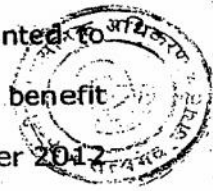
benefit of 3rd MACP to the applicants. The Staff Council again requested respondent no.3 vide representation dated 13.6.2013 for keeping the order dated 8.6.2013 in abeyance, till clarification from the DoPT was received. Respondent no.3 forwarded the representation of the Staff Council to the Railway Board on 19.7.2013 and sought its early reply and the Railway Board sought clarification from the DoPT. The DoPT vide its order dated 10.9.2013 had rejected the claim of the applicants. Thereafter the respondent Railways issued orders by withdrawing the benefit of 3rd MACP and also for recovery of the alleged excess payment made to the applicants with effect from November, 2013 in instalments.

4. The applicants have relied upon a judgment passed by the Hon'ble Apex Court in the case of **B.D.Gupta vs. State of Haryana** (1973 (3) S.C.C. Page 149). They have also pleaded that neither any notice nor personal hearing was given to the applicants before withdrawing the benefit of MACP. Hence the present OA.

5. The Tribunal, while issuing notice of motion to the respondents on 21.11.2013, had restrained the respondents from making further recovery in pursuance of the impugned order and this interim order has been extended from time to time.

6. Pursuant to notice, the respondents have contested the claim of the applicants by filing their written statement. They have stated that the present OA is liable to be set aside as the applicants in their OA have stated that no personal hearing was given to them is incorrect inasmuch as all the applicants are the members of the Staff Council and they made representation through Staff Council. In this regard, they have relied upon a judgment passed by the Hon'ble Apex Court in the case of **Chairman, Board of Mining Examination & Chief Inspector of Mines & Another** versus **Ramjee** (A.I.R. 1977 S.C. Page 965). The respondents are within their right to rectify their mistake at any stage as the benefit of 1st MACP was erroneously granted to the applicants. They have further stated that in view of OM dated 19.5.2009, three financial up-gradations are available at intervals of 10, 20 & 30 years of continuous regular service counted from direct entry and the said MACP Scheme became effective from 1.9.2008. As per the averments made by the applicants in the OA, they joined service between 1982 to 1988 and the MACP came into existence w.e.f. 1.9.2008 and the benefit of 2nd MACP was granted to the applicants on 1.9.2008 or thereafter, as such, the grant of benefit of 3rd MACP will be either in 2018 after a gap of 10 years or after 2012 in case of applicant no.15 and thereafter in all the cases.

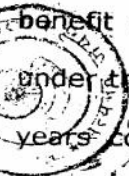
ke



7. They have further stated that the applicants were erroneously granted the 3rd financial upgradation under MACP Scheme introduced w.e.f. 1.9.2008 and in view of the law laid down by the Hon'ble Apex Court in the case of **Chandi Prasad Uniyal vs. State of Uttarakhand & Ors.** (2012(4) R.S.J. Page 138), the respondents can order the recovery of excess payment made to the applicants. They have thus prayed for dismissal of the OA.

8. We have given our thoughtful consideration to the entire matter and perused the pleadings available on record with the able assistance of the learned counsel for the parties.

9. The basic concept of the MACP Scheme is to provide three financial up-gradations to an employee counted from the direct entry grade on completion of 10, 20, 30 years of regular service in the same pay scale/grade pay in cases where he does not get the benefit of a promotion in his career. This financial up-gradation under the Scheme will be admissible whenever a person has spent 10 years continuously in the same grade pay i.e. he did not get the benefit of any promotion revising his pay in these ten years. It further envisages that there cannot be more than three financial up-gradation under this Scheme. The Scheme in para 28 give following illustrations:-



✓

"i) If a government servant (LDC) in PB-1 in the grade pay of Rs.1900 gets his first regular promotion (UDC) in the PB-1 in the grade pay of Rs.2400 on completion of 8 years of service and then continues in the same grade pay for further 10 years without any promotion then he would be eligible for 2nd financial upgradation under the MACPS in the PB-1 in the grade pay of Rs.2800 after completion of 18 years (8+10 years).

(ii) In case he does not get any promotion thereafter, then he would get 3rd financial upgradation in the PB-11 in Grade Pay of Rs.4200 on completion of further 10 years of service i.e. after 28 years (8+10+10).

(iii) However, if he gets 2nd promotion after 5 years of further service in the pay PB-11 in the grade pay of Rs.4200 (Asstt. Grade/Grade "C") i.e. on completion of 23 years (8+10+5 years) then he would get 3rd financial upgradation after completion of 30 years i.e. 10 years after the 2nd ACP in the PB-11 in the grade pay of Rs.4600."

10. The undisputed facts in this case are that the applicants had in their career got one regular promotion as JE-1 in the pay-scale of Rs.5500-9000 prior to getting second MACP. It is also not disputed that they got second MACP in the year 2008. What is disputed is their promotion as CMS-I/SSE in the pay-scale of Rs.7450-11500 which the respondents claim as regular promotion, but the applicants claim as re-structuring or revised pay-scale. The applicants have not challenged the order of promotion as JE-1. They have also not challenged the grant of 2nd MACP to them in the year 2008. It is also not disputed that the applicants were given the 3rd MACP in 2013 which on audit

objection was withdrawn as wrongly given. Given this factual scenario, the following is established:-

- " a) The fact that they were promoted as JE-1 - thus getting their 1st regular promotion;
- b) the disputed promotion as CMS-I/SSE which the respondents claim as regular promotion - applicants deny it;
- c) the applicants getting their 2nd MACP in 2008;
- d) the applicants getting their 3rd MACP in 2013;
- e) the withdrawal of 3rd MACP after an audit objection was raised with respect to this 3rd MACP.

11. The key question for our consideration is whether after getting the 2nd MACP in 2008, they have become eligible for 3rd MACP in 2013? We have gone through the Office Memorandum dated 19.5.2009 with regard to Modified Assured Career Progression Scheme and which has been adopted by Railways vide circular dated 12.6.2010. In whatever manner, these circulars are interpreted, the eligibility for 3rd MACP will not arise unless there is a gap of ten years after the grant of 2nd MACP if the employee continues in the same pay-band; or he completes 30 years of service. In the instant case, neither of these two conditions is satisfied. As they had got the 2nd MACP in 2008, the 3rd MACP would become due only in 2018. Further, they have not attained 30 years of service after direct recruitment at the time of filing of this OA. Therefore, the relief claimed by the applicants is neither valid nor legal whatever interpretation is made of the rules.

He

12. A strong plea has been taken by the applicants that no opportunity of hearing was given them and the orders were passed behind their back. This contention is not substantiated by the applicants. It has been made clear by the respondents that the applicants were members of Staff Council and a representation was made through the Staff Council on withdrawal of 3rd MACP. It is also on record that this withdrawal was kept in abeyance till a final communication were received from the Railway Board. It is clear from the perusal of the file that the applicants were aware of the developments and they are party to the consultations and were in constant touch with the respondents with regard to the progress of their representation. As such, they cannot argue that this decision/withdrawal of 3rd MACP has been taken at their back. In this regard, the respondents have in their response invoked the ruling passed by the Hon'ble Apex Court in the case of **Chairman, Board of Mining Examination & Chief Inspector of Mines & Another vs. Ramjee** that principles of natural justice have not been violated as the applicants are fully aware that their case is being taken up by their Staff Council with the department. In the light of these facts, the plea of the applicants that the principles of natural justice have not been followed while taking the decision of withdrawal of benefit of 3rd MACP, does not seem to be correct as it is not substantiated. However, the respondents in their written statement themselves have

He

admitted that in case of applicant no.15, the benefit of 3rd MACP is due from 2012 and for the remaining the same would become due in 2018. It is expected that the respondents will abide by their assertion.

13. We are well aware of the law laid down by the Hon'ble Apex Court in the case of **Chandigarh Administration & Ors. Vs. Naurang Singh & Ors.** (J.T. 1997 (3) Page 536) wherein the Hon'ble Apex Court has held that "a mistake committed by the Administration cannot furnish a valid or legitimate ground for the Court or the Tribunal to direct the Administration to go on repeating that mistake". Again, the Hon'ble Apex Court in the case of **Union of India & Another versus Narendra Singh** ((2008(2) S.C.C. Page 750) has held that "It is true that the mistake was of the Department and the respondent was promoted though he was not eligible and qualified. But, we cannot countenance the submission of the respondent that the mistake cannot be corrected. Mistakes are mistakes and they can always be corrected by following due process of law".

14. In view of the above discussion, we are of the firm view that no case is made out in favour of the applicants for withdrawal of the benefit which has wrongly been given to them and the impugned orders are sustainable in the eyes of law. Accordingly, no interference

Ve/

is called for by us in the impugned orders. The OA is accordingly dismissed. Interim order granted on 21.11.2013 automatically stands vacated. No costs.

(UDAY KUMAR VARMA)
MEMBER (A).

(SANJEEV KAUSHIK)
MEMBER (J)

Dated:- October 20 , 2015.

Kks

Definitive True Copy प्रतिलिपि सत्य प्रतिलिपि
Babu
Section Officer (General)
केंद्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
चंडीगढ़ - 160001 Chandigarh Bench
चंडीगढ़ - 160001 Chandigarh