

DOPT Adjudged Recoveries as Impermissible...

Our Stand vindicated

The much desired, much awaited order by DoPT is out. The order clearly vindicates our stand. We have been saying that these Recoveries are impermissible as per verdict of Hon'ble Supreme Court in Rafiq Massiah Case.

We applied so many channels for settling the issue. The matter was referred to Department of Legal Affairs (DoLA). A strong advice was sent by DoLA to Hon'ble Ministry of I & B. Again on persuasion, a very positive extract with the advice of DoLA was sent to DOPT for their opinion from MIB.

At this point, We approached Sh. S.C.Panda, Member (P) with the copy of Advise of DoLA obtained under RTI. He assured us to do whatever he can.

Later, We approached our own Sh. Deu Singh Chauhan, Hon'ble M.P. He asked us to give a letter on the name of Sh. Jitendra Singh, Hon'ble Minister, DoPT. We had already prepared a letter. The letter was handed over to him immediately. Next day, Sh. Chauhan informed President that he met Sh. Jitendra Singh and Sh. Rajyarvardhan Singh Rathore, MoS(MIB).

Today,(03.03.2016) President met Sh S.C.Panda, he confirmed that there was a high level meeting held in DoPT under the Chairmanship of Secy. (DoPT). It was discussed that many references have reached DoPT. I believe many other departments must have been sending such references about Recoveries. Normally DoPT takes advise of DoLA on such affairs but in this case, strong advise of DoLA in our issue was already there, so I believe and as confirmed by DoPT sources it was decided to issue a General Order for all on the basis of Advise of DoLA on the issue. This order has set miles stones in many meanings. We don't say it is issued only due to our reference, but certainly our reference is one of those on the basis. Some resemblances are interesting. Please have a look.

The sequence and language of impermissibility clauses is exactly same as was given in advice of DoLA and our representations on the issue.

Another important aspect is that the order is issued with the concurrence of Comptroller and Audit General of India (CAG). So We don't think any Pay and Account office will raise any objection whatsoever on any Recovery if it is falling under the clause of impermissibility.

The Affiliation of B.M.S. has also played a crucial Role in settling the issue.

Our work on the issue is yet not over as the issue of treating 25.02.1999 scales as an Upgradation is still to be settled. We are optimistic, but if in any case DoPT gives adverse opinion, the issue will be litigated in CAT Delhi in OA 2479/2015 filed by ARTEE and the opinion of DoLA will be very much useful in that situation.

We are pleased for our Members who retired after this fiasco. I remember the instances of 1982. At the time of ASIAD 82, ARTEE launched an agitation for Bonus because till that time Bonus was paid in Railways and P&T only. As a result of agitation by ARTEE,

employees in all other departments got the Bonus. This time it is the Recovery which is settled for all. **Feel Proud to be a Member of ARTEE.**

For reference we are giving some of the letters below:

Complete Facts about the scales including Impermissibility of Recoveries Submitted by ARTEE .

ARTEE letter dated 06/01/2015 to Hon'ble MOS(MIB) Col.(Retd.) Sh. Rajyavardhan Singh Rathore about a gitation mentioning Rafiq Massiah Case.

ARTEE letter dated 17.12.15 to Hon'ble Secy. (I&B) on the issue.

ARTEE Letter to Hon'ble MoS (DoPT) about Recoveries

Advise of DoLA obtained through RTI (Please go through para 22).

DoPT Order F.No. 18/03/2015-Esttt.(Pay-I) Dated 2nd March 2016 about Recoveries.

With the Power of Unity We Shall Cross all Hurdles.

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President, ARTEE**

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