

No.12024/6/2006-SSS

भारत सरकार

Government of India

सांख्यिकी एवं कार्यक्रम कार्यान्वयन मंत्रालय  
Ministry of Statistics and Programme Implementation  
अधीनस्थ सांख्यिकीय सेवा प्रभाग  
Subordinate Statistical Service Division

कक्ष सं. 528, सरदार पटेल भवन  
Room No. 528, S. P. Bhawan,  
संसद मार्ग, नई दिल्ली - 110001  
Sansad Marg, New Delhi-110001

दिनांक/Dated: 16<sup>th</sup> July 2015

**ORDER**

**Subject: Recovery of excess payments made to the applicant in O.A. No.2907/2014-Regarding.**

**WHEREAS** Shri Ravi Velivela was absorbed into Subordinate Statistical Service (SSS), at the time of its initial constitution and according to his inter-se seniority, was placed as Statistical Investigator Gr-I in the pay scale of ₹7450-11500 (Non Functional) vide this Ministry Order No.11011/1/2004-SSS(I) to (IV) dated 01.04.2004 and the pay of Shri Ravi Velivela was inadvertently fixed under FR22(i)(a)(i) vide this Ministry OM No.12013/1/2004-SSS dated 30.04.2004.

**AND WHEREAS** the said Order dated 30.04.2004 was later on rectified according to rules governing pay fixation for non-functional posts under FR 22(i)(a)(ii) vide OM dated 02.08.2006 after due consultation with DoP&T, Ministry of Law and Department of Expenditure and for recovery of excess payments w.e.f.01.04.2004.

**AND WHEREAS** aggrieved by the said Order dated 02.08.2006, the applicant Shri Ravi Velivela moved court against fixation of pay under FR 22(i)(a)(ii) and recovery of excess payment made to him in the aforementioned court case so as to continue enjoying the undue excess payments on account of his wrong pay fixation under Rule FR 22(1)(a)(i) w.e.f. 01.04.2004, which otherwise would not have accrued to him. However, Hon'ble CAT has inter-alia ordered as follows:

*"...the O.A. is allowed and the impugned Order dated 01.08.2014 is quashed. However, the respondents are at liberty to issue appropriate show cause notice to the applicant, and after considering the representation made by the applicant thereto, pass appropriate reasoned and speaking orders, in accordance with law. No order as to costs."*

**AND WHEREAS** vide this Ministry's OM of even number dated 05.06.2014, in pursuance of the decision of Government of India issued vide DoP&T O.M. No.18/26/2011-Estt (Pay-I) dated 6<sup>th</sup> February 2014; and with due **approval of AS&FA of this Ministry**, ordered for recovery of excess payments made to Shri Ravi Velivela, Assistant Director (Stat.), O/o the Chief Labour Commissioner (Central), New Delhi.

*Sarawley*

**AND WHEREAS** in compliance to Hon'ble CAT (PB), New Delhi Order dated 5<sup>th</sup> September 2014, O/o the Chief Labour Commissioner (CLC), New Delhi once again afforded an opportunity to the said Shri Ravi Velivela to submit his representation, if any, within 15 days of receipt of the notice, to show cause why the proposed recovery of excess payment not be made from him, due to wrong fixation of his pay in the pay scale of ₹7,450-225-11,500 (Non Functional) under FR22(1)(a)(i) w.e.f. 1<sup>st</sup> April 2004, on account of his absorption and as per his inter-se seniority appointment as Statistical Investigator Grade-I(Non Functional) of SSS, specifically when no relief has been granted to the applicant by Hon'ble Court as regards fixation of his pay under FR22(1)(a)(i).

**AND WHEREAS** Shri Ravi Velivela represented vide his letter dated 02.02.2015 through the O/o CLC, New Delhi against the recovery of excess payment due to wrong fixation of his pay under FR 22(1)(a)(i) in the pay scale of ₹7,450-225-11,500 (Non Functional) w.e.f. 1<sup>st</sup> April 2004 on account of his absorption and appointment as Statistical Investigators Grade-I in SSS.

**AND WHEREAS** the competent authority has duly considered the representation dated 02.02.2015 of Shri Ravi Velivela and finally decided that his pay may be fixed under FR22(1)(a)(ii) w.e.f. 1<sup>st</sup> April 2004 in the scale of ₹7,450-225-11,500 (Non Functional) and recovery of excess payment may be made from him due to wrong fixation.

*Saraswathy*

**(K. Saraswathy)**

Under Secretary to the Govt. of India  
Ph. 23340888

**Shri Ravi Velivela**

Assistant Director (Stat.)  
(through Administrative Officer)  
O/o the Chief Labour Commissioner (Central),  
Ministry of Labour & Employment,  
Shram Shakti Bhawan,  
Rafi Marg, New Delhi-110001

Copy to:

1. PPS to Secretary, MOS&PI, New Delhi.
2. AS&FA, MOS&PI New Delhi w.r.t. their Dy.No.513/AS&FA dated 12.05.2014 for information.
3. PPS to Joint Secretary (A), MOS&PI New Delhi.
4. Under Secretary, Department of Personnel & Training, North Block, New Delhi w.r.t. their OM No.18/26/2011-Estt (Pay-I) dated 06.02.2014 for information.
5. Administrative Officer, Ministry of Labour & Employment, Shram Shakti Bhawan, Rafi Marg, New Delhi-110001 w.r.t. their letter No. Adm.I/4(17)/2014(Pt.) dated 09.02.2015 for information and necessary action.
- ✓ 6. Official Website
7. Notice Board.
8. Master Folder of 2015.

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Sansad Marg, New Delhi-110001

दिनांक/Dated: 16<sup>th</sup> July 2015

**OFFICE MEMORANDUM**

**Subject: Recovery of excess payments made to the applicant in O.A. No.2907/2014-Regarding.**

The undersigned is directed to refer to O/o Chief Labour Commissioner (Central) letter No. Adm.I/4(17)/2014(Pt.) dated 09.02.2015 forwarding therewith representation dated 02.02.2015 of Shri Ravi Velivela on the subject and to say that the issue of recovery of excess payment due to wrong fixation of his pay under FR 22(1)(a)(i) in the pay scale of ₹7,450-225-11,500 (Non Functional) w.e.f. 1<sup>st</sup> April 2004 on account of his absorption and as per his inter-se seniority appointment as Statistical Investigators Grade-I in SSS has been duly considered by the competent authority.

2. It is informed that the competent authority has decided that his pay be fixed under FR22(1)(a)(ii) w.e.f. 1<sup>st</sup> April 2004 in the scale of ₹7,450-225-11,500 (Non Functional) and recovery of excess payment be made from him due to wrong fixation of his pay specifically when no relief has been granted to the applicant by Hon'ble Court as regards fixation of his pay under FR22(1)(a)(i), in the aforementioned court case.

3. Office of the Chief Labour Commissioner (Central), Ministry of Labour & Employment, New Delhi is, therefore, requested to take immediate action for correct re-fixation of pay of Shri Ravi Velivela under FR 22(1)(a)(ii) w.e.f. 1<sup>st</sup> April 2004 in the pay scale of ₹7,450-225-11,500 (Non Functional) and ensure recovery of excess payments from him, in ten equal monthly installments, under intimation to this Ministry.

4. This issues with the approval of the competent authority.

*Saraswathy*

**(K. Saraswathy)**

Under Secretary to the Govt. of India  
Ph. 23340888

Administrative Officer,  
**(Kind Attn: Sri Supriyo Samadder)**  
O/o the Chief Labour Commissioner (Central),  
Ministry of Labour & Employment,  
Shram Shakti Bhawan,  
Rafi Marg, New Delhi-110001

Copy to:

1. PPS to Secretary, MOS&PI, New Delhi.
2. AS&FA, MOS&PI New Delhi w.r.t. their Dy.No.513/AS&FA dated 12.05.2014 for information.
3. PPS to Joint Secretary (A), MOS&PI New Delhi.
4. Under Secretary, Department of Personnel & Training, North Block, New Delhi w.r.t. their OM No.18/26/2011-Estt(Pay-I) dated 06.02.2014 for information.
5. Shri Ravi Velivela, Assistant Director (Stat.), through Administrative Officer, O/o CLC (Central), Ministry of Labour & Employment, New Delhi-110001
- ✓ 6. Official Website.
7. Notice Board.
8. Master Folder of 2015.

*Saraswathy*

**(K. Saraswathy)**

Under Secretary to the Govt. of India  
Ph. 23340888