

GAHC010028802026



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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/1676/2026

THE UNION OF INDIA AND ORS
REPRESENTED BY THE GENERAL MANAGER, NORTH EAST FRONTIER
RAILWAY, MALIGAON, GUWAHATI -781011

2: THE GENERAL MANAGER (P)
NORTH EAST FRONTIER RAILWAY
MALIGAON
GUWAHATI-781011.

3: DIVISIONAL RAILWAY MANAGER (P)
N.F. RAILWAY
ALIPURDUAR JUNCTION
PIN- 736123

4: SENIOR DIVISIONAL FINANCE MANAGER
N.F. RAILWAY
ALIPURDUAR JUNCTION
PIN- 73612

VERSUS

SHRI SURENDRA KUMAR GOND
S/O- SHRI DEENA NATH.
LOCO PILOT (PASSENGER).
OFFICE OF THE CHIEF LOCO INSPECTOR / IC / APDJ AT NJP, P.O.-SILIGURI
TOWN, PIN- 734004.

For the appellant/petitioner(s) :

Mr. R.K.D. Choudhury,
Deputy SGI

For the Respondent(s) :

- B E F O R E -
HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR
HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

30.03.2026

(AshutoshKumar, CJ)

The challenge in the present petition is to the order dated 23.05.2025, passed by the Central Administrative Tribunal, Guwahati Bench (hereinafter referred to as "Tribunal"), in Original Application No. 040/00074/2022, whereby the said original application filed by the respondent herein was allowed.

The salary of the respondent herein, namely, Surendra Kumar Gond, an employee of the Indian Railways, was wrongly fixed in the year 2009, after his promotion, under the 6th Central Pay Commission (6th CPC) Rules, which mistake could be discovered by the Railways only in the year 2021. Consequently, a correction was made in the scale of pay of the respondent, reducing his pay retrospectively from the year 2009 onwards. Simultaneously, the Railway administration directed the respondent employee to repay the excess money that he had received over the period of 12 years (approx. 2.03 Lakh).

This reduction in the pay scale and the recovery of money was challenged by the respondent before the Tribunal on the ground that it was unfair, illegal and violative of the judgment of the Hon'ble Supreme Court in ***State of Punjab & Ors. Vs. Rafiq Masih (White Washer): (2015) 4 SCC 334.***

Vide the impugned order, the Tribunal acceded to the contentions

raised on behalf of the applicant/respondent and quashed the order issued by the Railways, restoring the higher salary of the respondent and the Railways was directed to refund the recovered amount to the respondent expeditiously.

Mr. R.K.D. Choudhury, learned Deputy Solicitor General of India, appearing for the railways/petitioners has submitted that while recovery of the excess payment may not be justified, but the respondent would not have a right to be paid on an incorrect grading of pay in future, which ought to be corrected.

The short prayer of the petitioners, thus, is to interfere with the impugned order passed by the Tribunal to the extent that the Railways be allowed to make corrections in the pay fixation of the respondent but without making any recovery of the excess amount already paid to him.

Let notice be issued to the respondent on the steps being taken by the petitioners, by speed post as well as by usual process, returnable on **05.06.2026**.

JUDGE

CHIEF JUSTICE

Comparing Assistant