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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.2758/2002

Tuesday, this the 28th day of October, 2003

Hon'ble Shri Kuldip Singh, Member (J)
Hon'ble Shri S. K. Naik, Member (A)

Shri Bishan Saroop
s/o Late Pt. Gopiram
Retired Driver Grade C
R/o 147/C, Old Gupta Colony
Delhi-9

...Applicant

(Applicant in person)

Versus

1. Union of India
through the General Manager
Northern Railway
Baroda House, New Delhi
2. Senior Divisional Accounts Officer
Northern Railway
Estate Entry Road, Cannaught Circus
New Delhi

...Respondents

(By Advocate: Shri D.S. Jagotra)

O R D E R (ORAL)

Shri Kuldip Singh:

Heard..


2. The applicant in this OA has assailed an order passed by the respondents whereby his pension has been reduced from Rs.1172/- to Rs.1072/- w.e.f. 1.1.1986 and further from Rs.3544/- to Rs.3246/- w.e.f. 1.1.1996. Though the applicant has taken various grounds to challenge the same but his primary ground is that no notice has been given to him before the action of the respondents for reducing the pension had been taken.
3. The respondents in their reply point out that no notice has been given to the applicant rather they state it was not necessary to issue, as the pension was revised/reduced as per Railway Board's instructions.

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However, to our mind, the contention of the respondents has no merit because the revision of pension has civil consequences for which the principle of natural justice requires that a show cause notice be issued and an opportunity of hearing be given before passing any order for reduction of the pension.

4. Since the same has not been done admittedly by the respondents, we allow the present OA and quash the impugned orders and direct that the pension of the applicant be restored. However, the respondents are at liberty to take a fresh action after issuing a proper show cause notice and while deciding the fixation of pay, the respondents shall also afford an opportunity of hearing to the applicant for proper fixation of his pension. No costs.


(S.K. Naik)
Member (A)

/sunil/


(Kuldip Singh)
Member (J)