

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**



OA No. 244/2015

New Delhi, this the 09th day of January, 2020

**HON'BLE MRS. JUSTICE VIJAY LAKSHMI, MEMBER (J)
HON'BLE MR. PRADEEP KUMAR, MEMBER (A)**

1. Sh. Manohar Lal (aged about 44 years)
S/o Mr. Gyan Chand,
R/o BE-11, DDA Flats, Munirika,
New Delhi-110067.

Working as Account Officer (SW), Sector-4 R.K.Puram,
New Delhi-110022 in
Delhi Jal Board.

2. Pankaj Kumar Mishra (age about 35 years)
S/o Sh. Mohan Lal Mishra
Working as Assistant Account Officer(AAO)

3. Kanta Prasad Yadav (age about 50 years)
S/o Sh. Ram Prasad
Working as Assistant Account Officer (AAO)

4. Jitendra Kumar Jha (age about 34 years)
S/o Sh. Chandra Kant Jha
Working as Assistant Account Officer (AAO)

5. Raju Gupta (age about 38 years)
S/o Late Sh. Jagdish Chand
Working as Assistant Account Officer (AAO)

6. Vikash Kumar (age about 34 years)



S/o Sh. Sunil Kumar Singh
Working as Assistant Account Officer (AAO)

Gulshan Kumar (age about 34 years)
S/o Sh. Suresh Chander Prasad
Working as Assistant Account Officer (AAO)

8. Vinod Kumar Saini (age about 51 years)
S/o Sh. Om Prakash
Working as Assistant Account Officer (AAO)

9. Ajit Kumar Sinha (age about 38 years)
S/o Sh. Upender Prasad
Working as Assistant Account Officer (AAO)

10. Narender Kumar (age about 50 years)
S/o Late Sh. O.P. Sharma
Working as Assistant Account Officer (AAO)

11. Dinesh Kumar (age about 41 years)
S/o Sh. Hari Chand
Working as Assistant Account Officer (AAO)

12. Alok Kumar Sinha (age about 48 years)
S/o Sh. Giradhari Prasad Sinha
Working as Assistant Account Officer (AAO)

13. Anil Kumar Bhardwaj (age about 39 years)
S/o Sh. R.K. Bhardwaj
Working as Assistant Account Officer (AAO)

14. Sanjay Sharma (age about 47 years)
S/o Late Sh. K.N. Sharma
Working as Assistant Account Officer (AAO)



15. Niranjan Jha (age about 39 years)
S/o Sh. S.N. Jha
Working as Assistant Account Officer (AAO)

16. Vijay Grover (age about 45 years)
S/o Sh. R.C. Grover
Working as Assistant Account Officer (AAO)

17. Kumar Rajesh (age about 38 years)
S/o Sh. A.K. Sinha
Working as Assistant Account Officer (AAO)

18. Pawan Kumar Roy (age about 38 years)
S/o Sh. Bilat Roy
Working as Assistant Account Officer (AAO)

19. Neeraj Kishore Singh (age about 39 years)
S/o Sh. Jagharayan Prasad
Working as Assistant Account Officer (AAO)

20. Kaushal Kishore Singh (age about 40 years)
S/o Sh. B.P. Singh
Working as Assistant Account Officer (AAO)

21. Kumar Santosh Gupta (age about 36 years)
S/o Sh. Devendra Prasad Gupta
Working as Assistant Account Officer (AAO)

22. Sanjeev Kumar Gupta (age about 48 years)
S/o Sh. Bal Kishan Gupta
Working as Assistant Account Officer (AAO)

23. Dharamvir Narang (age about 51 years)
S/o Late Sh. Amir Chand Narang
Working as Assistant Account Officer (AAO)

24. Dinesh Prakash (age about 49 years)



S/o Late Sh. Pati Ram
Working as Assistant Account Officer (AAO)

25. Manoj Kumar Rathore (age about 41 years)
S/o Sh. N.K. Rathore
Working as Assistant Account Officer (AAO)

26. Dinesh Kumar (age about 42 years)
S/o Sh. Jaswant Singh
Working as Assistant Account Officer (AAO)

27. Brij Bhushan (age about 47 years)
S/o Sh. Dharamvir
Working as Assistant Account Officer (AAO)

28. R.S. Bhardwaj (age about 48 years)
S/o Late Sh. H.P. Bhardwaj
Working as Assistant Account Officer (AAO)

29. Bharat Bhushan (age about 44 years)
S/o Late Sh. P.S. Khurana
Working as Assistant Account Officer (AAO)

30. Raghbir Singh Rawat (age about 53 years)
S/o Late Sh. N.S. Rawat
Working as Assistant Account Officer (AAO)

31. Prasant Kumar Thakur (age about 37 years)
S/o Sh. Naresh Mohan Thakur
Working as Assistant Account Officer (AAO)

32. Anjani Kumar Srivastava (age about 39 years)
S/o Sh. H.C.L. Srivastava
Working as Assistant Account Officer (AAO)



33. Mukesh Gupta (age about 44 years)
S/o Sh. Matadeen
Working as Assistant Account Officer (AAO)

34. Rakesh Kumar (age about 47 years)
S/o Sh. Sriram
Working as Assistant Account Officer (AAO)

35. Sangeeta Jain (age about 48 years)
D/o Late Sh. N.K.Jain
Working as Assistant Account Officer (AAO)

36. Smt. S. Satyavathi (age about 47 years)
D/o Late Sh. S. Srinivasa Rao
Working as Assistant Account Officer (AAO)

37. Rajiv Srivastava (age about 40 years)
S/o Sh. Rajesh Kumar
Working as Assistant Account Officer (AAO)

38. Binod Kumar (age about 39 years)
S/o Sh. N.K.P.Singh
Working as Assistant Account Officer (AAO)

39. Anil Kumar (age about 43 years)
S/o Sh. Jai Singh
Working as Assistant Account Officer (AAO)

40. Neeraj Sharma (age about 42 years)
S/o Sh. Devender Kumar Sharma
Working as Assistant Account Officer (AAO)

41. Sanjiv Kumar (age about 43 years)
S/o Late Sh. Om Prakash
Working as Assistant Account Officer (AAO)

42. Rakesh Kumar (age about 44 years)
S/o Sh. Nand Kishore Dass
Working as Assistant Account Officer (AAO)



43. Ravi Arora (age about 41 years)
 S/o Sh. B.C. Arora
 Working as Assistant Account Officer (AAO)
 C/o Manohar Lal (Applicant No. 1, Parokar)
 Account Officer (SW), Sector-4, R.K. Puram,
 New Delhi-110022 in Delhi Jal Board

.....Applicants

(By advocate : Mr. Ajesh Luthra & Mr. G D Chawla)

Versus

1. Lt. Governor through its
 Chief Secretary,
 Govt. of NCT of Delhi.
2. The Chief Executive Officer,
 Delhi Jal Board
 Varunalaya Complex,
 Phase-II, Karol Bagh, New Delhi-110005.
3. The Member (Administration)
 Delhi Jal Board,
 Govt. of NCT of Delhi
 Varunalaya Complex, Jhandewalan,
 New Delhi.
4. The Member (Finance)
 Delhi Jal Board,
 Govt. of NCT of Delhi
 Varunalaya Complex, Jhandewalan,
 New Delhi.
5. The Director (A&P)
 Delhi Jal Board
 Varunalaya Complex,

Phase-II, New Delhi.



6. Director (F&A)

Delhi Jal Board

Varunalaya Complex,

Phase-II, New Delhi.

7. Assistant Commissioner (D)

Delhi Jal Board,

Govt. of NCT of Delhi. ...Respondents

(By advocate : Mr. Naresh Sharma)

O R D E R (O R A L)

Mr Pradeep Kumar, Member (A):

1.0 The applicants herein are working as Junior Accounts Officer (JAO) in Delhi Jal Board (DJB). At the time of their promotion an office order was issued on 28.03.2012 which read as under-

“Competent authority vide Orders dated 13.03.2012 approved the fixation of Pay at the minimum of Rs. 13,950/- as on 01.01.2006 in respect of Assistant Accounts Officers who were drawing pay less than Rs. 7,500/- in the pre-revised Pay Scale of Rs. 6500-200-10500 which is upgraded to Rs. 7500-250-12000 in the 6th CPC.”

2.0 The applicants were being paid as per this order since that time. Subsequently, the respondents realized that the pay fixation given on 28.03.2012 was incorrect (an excess pay was paid) and they issued an order dated 13.01.2015, wherein orders were issued for recovery as well as for reducing the pay, which reads as under-



"The Competent Authority had approved the re-fixation of pay of Assistant Accounts Officers promoted after having passed the Junior Accounts Officer (now Assistant Accounts Officer) examination conducted by the AG (Audit) Delhi and CGA during years 2009-10 and 2013 respectively under Rule 13 of CCS (Revised Pay) Rules, 2008 and excess emoluments drawn by them is to be recovered.

All DDOs are hereby directed to re-fix the pay within 3 days positively and copy of the pay fixation proforma should reach in the office of the undersigned without fail. The DDOs will also ensure that such irregularities do not occur in future to avoid disciplinary proceedings."

3.0 It is admitted by the respondents that no show cause notice was ever issued to the applicants while such reduction was ordered.

4.0 The applicants felt aggrieved and filed the instant OA. The operation of the order dated 13.01.2015 was stayed on the very first date of hearing i.e. 19.01.2015.

The respondents pleaded that initial pay fixation order issued on 28.03.2012 was issued by an officer who was not competent to issue the same as he has not taken approval of the competent authority also before issuing the same.

Since excess payment has taken place and the money is coming out of public exchequer, they are well within their rights to recover the same.

5.0 The applicants however drew attention to the judgment in Bhagwan Shukla Vs Union of India in Appeal (civil) 5447 of 1994, decided on 05.08.1994, in which the Hon'ble Apex Court has held as under:-

"We have heard learned counsel for the parties. That the petitioner's basic pay had been fixed since 1970 at Rs. 190 p.m. is not disputed. There is also no dispute that the basic pay of the appellant was reduced to Rs. 181 p.m. from Rs. 190 p.m. in 1991 retrospectively w.e.f. 18.12.1970. The appellant has obviously been visited with civil consequences but he had been granted no opportunity to show cause against the reduction of his basic pay. He was not, even put on notice before his pay was reduced by the department and the order came to be made behind his back without following any procedure known to law. There has, thus, been a flagrant violation of the principles of natural justice and the appellant has been made to suffer huge financial loss without being heard. Fair play in action warrants that no such order which has the effect of an employee suffering civil consequences should be passed without putting the concerned to notice and giving him a hearing in the matter."

6.0 The applicants also drew attention to the judgment dated 12.12.2019 by Tribunal, Principal Bench in OA No. 645/2014 which has adjudicated a similar grievance.

7.0 Matter has been heard at length. Mr G D Chawla, learned counsel appeared for the applicant. Mr Naresh Sharma, learned counsel appeared for the respondents.



8.0 In view of above facts and circumstances of the case, no purpose is going to be served in keeping this matter pending. Hence, the OA is disposed of with the direction to the respondents to issue a show cause notice to the applicants, within a period of two weeks.

The applicants are directed to reply the above notice within a period of three weeks after receiving the same.

9.0 After issuing a show cause notice, respondents shall await for the reply from the applicants for the time as above. Thereafter, respondents shall take into account the reply, if received, and shall pass a reasoned and speaking order in accordance with law, within a period of eight weeks thereafter. They are further directed not to take any coercive action against the applicants, till the reasoned order is passed.

10.0 There shall be no order as to costs.

(Pradeep Kumar)
Member (A)

(Justice Vijay Lakshmi)
Member (J)

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