

N/2

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.1371/2001

New Delhi, this the 24th day of May, 2002

HON'BLE MR. KULDIP SINGH, MEMBER (J)
HON'BLE MR. S.A.T.RIZVI, MEMBER (A)

G.P. Misra,
S/o Late Sh. Janardhan Prasad Misra,
Loco Inspector/N.Rly.,
Loco Shed,
Moradabad,

Residential Address:-
G.P. Mishra
E-42-D, Loco Colony,
Moradabad.

... Applicant

(By Advocate: Shri G.D. Bhandari)

V E R S U S

Union of India, through

1. The General Manager,
Northern Railway,
Baroda House,
New Delhi.

2. The Divisional Railway Manager,
Northern Railway,
Moradabad.

... Respondents

(None present even on the second call)

O R D E R (ORAL)

Shri Kuldip Singh, Member (A) :

None present for the respondents even on the second call. Since the present case is 2001 matter and listed under heading of regular matters, we proceed to dispose of the present case in terms of Rule 16 of CAT (Procedure) Rules, 1987.

2. The grievance of the applicant in the present case is that the respondents have reduced his pay in the Gr.6500-105400 of the post of Loco Inspector, from basic pay of Rs.10,300/- to Rs.9,500/- w.e.f. September, 2000 without issuing any show-cause notice to him. According

KMS

to the learned counsel for the applicant, a show-cause notice have to be issued before reducing the pay of the applicant by the respondents. The learned counsel for the applicant also relies upon the judgement in the case of Bhagwan Shukla Vs. Union of India & Ors. (JT.1994(5) SC 253) wherein it has been held that reduction in pay of the employee without having been given an opportunity of hearing is violative of principles of natural justice and the law on the subject as laid down by the Hon'ble Supreme Court in Bhagwan Shukla's case (supra). Since the respondents have reduced the pay of the applicant without issuing any show-cause notice, he has filed the present OA quashing the same with regard to the reduction of applicant's pay from Rs.10,300/- to Rs.9,500/- w.e.f. September, 2000, and recovery of Rs.1,500/- per month from the month of March, 2001 onward. direction to the respondents to restore his pay to his earlier pay

3. Respondents have stated in their counter reply that the pay of the applicant has been reduced due to implementation of the Fifth Central Pay Commission's recommendations.

4. We have heard learned counsel for the applicant and perused the pleadings on the record and find that the notice has not been issued to the applicant before reducing his pay to the lower grade.

5. During the course of the argument, learned counsel for the applicant submits that why the respondents have

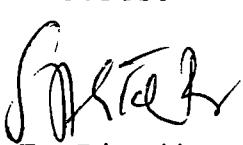
km

not issued show-cause notice before reducing his pay to the lower scale. According to him, the reduction of pay of an employee without issuing show-cause notice is in violation of principles of natural justice and the law laid down by the Hon'ble Supreme Court in Bhagwan Shukla's case (supra).

6. Having regard to above, we find the ratio laid down by the Hon'ble Supreme Court in Bhagwan Shukla's case (supra) in all fours cover the applicant's case.

7. For the reasons stated above, the order of reduction of applicant's pay is quashed and set aside and the respondents are directed to restore the applicant's earlier pay. The respondents are also directed to refund, if any amount is recovered from the applicant's salary. Respondents in case wants to rectify the mistake, they should proceed in accordance with rules and instructions, if they may be so advised.

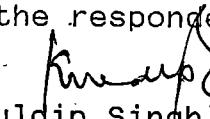
8. The present OA is disposed of in the aforesated terms. No costs.


(S.A.T. Rizvi)
Member (A)


(Kuldeep Singh)
Member (J)

Later on Shri Rajender Khatter, learned counsel for the respondents has appeared and we have heard Shri Rajender Khatter, learned counsel for the respondents.


(S.A.T. Rizvi)
Member (A)


(Kuldeep Singh)
Member (J)

/ravi/