

Central Administrative Tribunal, Principal Bench
New Delhi

20

O.A. No.1612/2001

New Delhi this the 4th day of April, 2002

Hon'ble Smt. Lakshmi Swaminathan Vice Chairman (J)
Hon'ble Mr. M. P. Singh, Member (A)

Shri K.C. Bansal
S/o Shri Chandgi Ram Bansal
retired Asstt. Director Postal Services (CCS)
O/o the C.P.M.G. Delhi Circle,
New Delhi, R/o Delhi-52,
address for service of notices
C/o Shri Sant Lal, Advocate,
C-21 (B), New Multan Nagar, Delhi-110056.
- Applicant
(By Advocate : Shri Sant Lal)

Versus

1. The Union of India, through the Secretary
Ministry of Communication, Deptt. of Posts,
Dak Bhawan, New Delhi-110001.
2. The Chief Postmaster General, Delhi Circle,
Meghdoot Bhawan, New Delhi-110001.
3. The Director of Accounts (Postal),
Civil Lines,
Delhi-110054.

- Respondents

(By Advocate : Shri M.M. Sudan)

ORDER (ORAL)

Hon'ble Shri M.P. Singh, Member (A) :

By filing this OA, the applicant has sought
the following reliefs:-

"1. To quash the impugned orders
including revised pay slip dated
30-4-2000, 12-10-99 & 13-1-99
(Annexure A-1 to Annexure A-3);

2. To direct the respondents to refix
the pay of the applicant on
promotion to P.S. Group 'B' with
reference to the pay drawn by the
principle of law laid down by
accordance with the principle of law
laid down by the Hon'ble Tribunal in
the cases cited in paras 5.4 and 5.6
above and restore the pay earlier
fixed as shown in Col.3 of para 4.7;

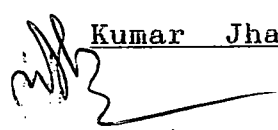
3. To direct the respondents to refix
the retiral benefits on the basis of



refixation/restoration of pay as per relief (2) above;

4. To grant all consequential benefits of arrears of pay and allowances and also of the retiral benefits becoming due on account of reliefs (2) & (3) above;
5. To grant such other or further relief as the Hon'ble Tribunal deem fit in the interest of justice; and
6. To award the costs of this application."


2. The brief facts of the present case are that the applicant joined services as a Postal Assistant on 16.8.1960. He was subsequently promoted to the next higher grade and was later promoted to Higher Selection Grade-I vide order dated 17.11.1992 on ad hoc basis. While the applicant was officiating as Higher Selection Grade-I, he was further promoted to Postal Service Group 'B' on ad hoc basis and posted as Senior Postmaster vide Memo dated 18.5.1993. When the applicant was appointed to the post of Postal Service Group 'B' on ad hoc basis on 20.5.1993, his pay was fixed at the stage of Rs.2675/- in the pay scale of Rs.2000-3500. However, the respondents have reduced his pay on 13.1.1999 to Rs.2525/-. According to the applicant, Respondent No.3 has reduced his pay and fixed at lower stage of Postal Service Group 'C' post without giving him any notice and without following the basic norms and principles of natural justice as no opportunity of hearing was given to the applicant. According to him, it is a well settled law that no order having civil consequences can be passed without following the principles of natural justice (Shrawan

 Kumar Jha Vs. State of Bihar & Ors. (AIR 1991 SC

309)). The applicant has also relied upon the judgement of the Tribunal dated 1.1.2001 in OA No.961/2000 and judgement of the Hon'ble Supreme Court 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. Since the respondents have reduced the pay of the applicant without issuing any show-cause notice, he has filed the present OA seeking the aforesaid reliefs.

3. The respondents in their reply have stated that the pay of the applicant was wrongly fixed, when he was promoted to the post of P.S.S. Group 'B' on ad hoc basis. His pay should have been fixed with reference to the pay drawn in ASPO's cadre held by the officers in substantive/regular capacity as per FR 22 (1)(a) (i). According to the respondents, the pay of the applicant which was wrongly fixed came to light only in the year 1999 when a review was conducted by the Accounts Officer in the Postal Accounts Office and accordingly a revised pay slip was issued to the applicant. Therefore, the action taken by the respondents is correct and is in accordance with the Rules.

4. We have heard both the rival contesting parties and perused the material placed on record.



5. During the course of the argument, learned counsel for the applicant states that the present case is fully covered by the judgement of the Tribunal dated 1.1.2001 in OA No.961/2000 and submitted that in that case, the Tribunal had quashed the impugned order and restored the earlier pay of the applicant which he was drawing before passing of the impugned order. The applicant in that OA, namely, Shri Subhash Chander-III was also working in the Postal Department and was junior to the applicant of the present O.A.

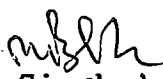
6. The admitted facts of the case are that the pay of the applicant was fixed at the stage of Rs.2675/- w.e.f. 20.5.1993 in the pay scale of Rs.2000-3500. It is also not in dispute that his pay has been reduced from Rs.2675/- to Rs.2525/- without giving him a show-cause notice and an opportunity of hearing. ^{which is} It is contrary to the principles of natural justice and the settled law of the Hon'ble Supreme Court in Bhagwan Shukla's case (supra). We have also perused the judgement of the Tribunal dated 1.1.2001 in OA No.961/2000. We find that the present OA is covered by the aforesaid judgement of the Tribunal and that judgement has been implemented and has become final.

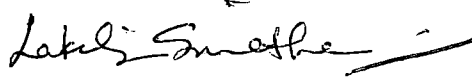
7. For the reasons stated above, the impugned orders dated 30.4.2001 (Annexure A-1), dated 12.10.1999 (Annexure A-2) and dated 13.1.1999 (Annexure A-3) are quashed and set aside and respondents are directed to restore the pay of the applicant and grant him all



(5)

consequential benefits including retiral benefits etc.
in accordance with Rules and instructions within a
period of three months from the date of receipt of a
copy of this order. No order as to costs.


(M.P. Singh)
Member(A)


(Smt. Lakshmi Swaminathan)
Vice Chairman (J)

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