

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA-118/99

New Delhi this the 30th day of January, 2001.

Hon'ble Sh. S.R. Adige, Vice-Chairman(A)
Hon'ble Dr. A. Vedavalli, Member(J)

Sh. Paramjit Singh Saini,
S/o Sh. Sansar Chand Saini,
Jr. Engineer (Elect.),
Electrical Constrn. Div.No.I,
CPWD, I.P. Bhawan,
New Delhi. Applicant

(through Ms. Meenu Mainee, Advocate)

Versus

1. Union of India through
the Secretary,
Ministry of Urban Development,
Nirman Bhawan,
New Delhi.
2. The Director General of Works,
CPWD, Nirman Bhawan,
New Delhi.
3. The Executive Engineer (Elect.),
Elect. Constrn. Divn. No.I,
CPWD, 5th Floor,
I.P. Bhawan,
New Delhi. Respondents

(through Sh. R.P. Aggarwal, Advocate)

ORDER (ORAL)

Hon'ble Sh. S.R. Adige, Vice-Chairman (A)

Applicant impugns respondents order dated
02.03.98 (Annexure A-1) and order dated 23.05.98
(Annexure A-2) whereby his basic pay has been reduced
from Rs. 2900-2750/- w.e.f. 01.05.97, and the
recoveries of Rs. 57,874/- from his pay have been
ordered.

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2. We have heard applicant's counsel Ms. Meenu Mainee and respondents' counsel Sh. R.P. Aggarwal.

3. Ms. Mainee has invited our attention to the Tribunal's order dated 02.11.99 in OA-1003/95 (Charan Dass Garg Vs. U.O.I. & Ors) whose pay was similarly reduced. She has pointed out as in Charan Dass Garg's case (supra), in the present case also, applicant's pay has been reduced without issuing a show cause notice and without affording him an opportunity of being heard.

4. This plea of non issue of show cause notice before applicant's pay was reduced, has been specifically taken in Para 5.2 of the O.A. to which there is no denial by respondents in the corresponding paragraph of their reply.

5. Under the circumstances, following the ratio in Charan Dass Garg's case (supra), we are compelled to hold in the present case also, that the order of reduction of pay issued to the detriment of the applicant, without giving him a chance to show cause, and therefore, suffers from the vice of non-observance of the principles of natural justice.

6. Under the circumstances, the impugned orders are quashed and set aside. We make it clear that it will be open to respondents, if they are so advised, to issue a show cause notice, afford the applicant a reasonable opportunity of being heard and thereafter pass a detailed, speaking and reasoned order in accordance with rules and instructions on the subject.

7. The OA. stands disposed of as above. No costs.

A. Vedavalli

(Dr. A. Vedavalli)
Member(J)

Adige

(S.R. Adige)
Vice-Chairman(A)

/vv/