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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1512/99

New Delhi, this 10th day of May, 2000

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)  
Hon'ble Smt. Shanta Shastry, Member(A)

Sohanbir Singh  
D.1/158, East Gokalpur  
Loni Road, Shahdara, Delhi .. Applicant

(By Shri Naresh Kaushik, Advocate, through Ms. Shilpa  
Chouhan, proxy counsel)

versus

Union of India, through

1. Secretary  
Department of Personnel & Training  
New Delhi  
2. Director  
Central Bureau of Investigation  
North Block, New Delhi  
3. Dy. Inspector General of Police  
Central Bureau of Investigation  
Block No.3, CGO Complex, Lodi Road  
New Delhi .. Respondents

(By Shri S.M. Arif, Advocate)

ORDER(oral)

By Reddy, J. -

The applicant, a Head-Constable in Central Bureau of Investigation (CBI, for short) is aggrieved by the order dated 7.6.99 (Annexure A-1) by which his pay after being absorbed in CBI is proposed to be reduced. The basic pay of the applicant on his absorption, according to him should have been fixed at Rs.1130 and it was rightly done so but the respondents are now seeking to revise it at Rs.1050 with effect from 20.8.90 retrospectively. Learned counsel for the applicant contends that the order is vitiated for want of notice.

2. Learned counsel for the respondents however contends that the applicant's pay has been erroneously fixed earlier which is now being rectified as per rules and hence the applicant cannot have any grievance.

CRW

3. The facts of the case are in a short compass and it can be disposed of on a short point. Admittedly, the applicant's pay was fixed at Rs.1130 with effect from 20.8.90 and it is now sought to be reduced to Rs.1050 after a period of nine years. Action of the respondents is assailed on the ground that no notice has been issued, prior to the impugned action. Admittedly no notice was issued.

4. It is the case of the applicant that minimum requirement under law before reducing the pay is to issue notice. Law is well settled that no order should be passed which adversely affects the person without hearing. Principles of natural justice and fairplay require that a person should be heard before his rights are adversely affected.

5. In this view of the matter, the OA is allowed. The impugned order dated 7.6.99 is set aside. It is however open to the respondents to issue notice to the applicant before passing any order adverse to him in the situation of the case. It is clarified that we have not expressed any opinion as to the merits of the case.

6. The OA is accordingly allowed. No costs.

*Shanta*  
(Smt. Shanta Shastray)  
Member(A)

*Ch. Rajagopal Reddy*  
(V.Rajagopala Reddy)  
Vice-Chairman(J)