

Central Administrative Tribunal, Principal Bench

Original Application No. 1240 of 1998

New Delhi, this the 9th day of February, 2000

→ Hon'ble Mr. Kuldip Singh, Member (J)

Shri Amar Singh Jayant S/o Shri Shish Ram  
R/o C-418 Nathpura, Budha Bazar,  
Delhi-110 009.

→ Applicant

(By Advocate Shri B.S. Mainee)

Versus

Union of India through

1. The Secretary,  
Ministry of Information & Broadcasting,  
Shastri Bhawan,  
New Delhi.

2. The Director General,  
All India Radio,  
Parliament Street,  
New Delhi.

3. The Superintending Engineer,  
All India Radio,  
HPT Kingsway,  
Delhi-9.

→ Respondents

(By Advocate - Shri D.S. Jagotra)

ORDER

By Hon'ble Mr. Kuldip Singh, Member (J)

The applicant is aggrieved of the order dated  
27.1.1997 reducing his retirement benefits.

2. The applicant states that he was promoted from  
the post of Engineering Assistant and thereafter his pay  
was fixed applying the FR 22 in the scale of Rs. 2000-3200  
at the level of Rs. 2975/- w.e.f. 1.2.1996.

3. He further states that the Senior Engineering  
Assistant is higher than Engineering Assistant and as such  
FR 22 is applicable to him. However, suddenly by the  
impugned order the pay was refixed at Rs. 2750/- and since  
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the applicant has retired so consequently his retiral benefits has also been afffected.

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4. In the ground to challenge the impugned order the applicant has taken a ground that the reduction of pay has been done without any reason and without even putting the applicant on notice and he further states that in the judgment of the Hon'ble Supreme Court in Bhagwan Shukla's case reported in SLJ 1995 Volume page 30, he stated the applicant was required to be put on notice before passing any order adverse to him.

5. The plea of the respondents in this case is that the salary of the applicant has been wrongly fixed at Rs. 2975/- and it should have only been fixed at Rs. 2750/- and the order fixing the pay at Rs. 2750/- is only just a correction and does not require that the applicant should have been put on notice.

6. I have considered the rival contentions of the parties and gone through the records.

7. Since in this case the applicant has superannuated and his retiral benefits are also to be affected because of the impugned order, so it was desirable that a notice to the applicant should have been issued before passing the impugned order. Hence, I hereby hold that the order refixing the pay of the applicant without notice to him is bad in law and same is hereby quashed and the OA is allowed to this extent. However,

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the respondents are at liberty to refix the applicant's  
pay after putting the applicant on notice. No costs.

*Kuldeep Singh*  
(Kuldeep Singh)  
Member (J)

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