

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

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O.A.No. 1660/1998

New Delhi this the 15th day of September, 2000

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

Sh. Yusuf Ali,
S/o Sh. Abdul Gafar,
aged about 39 years
r/o 18/2, 'D' Block, Tej Enclave
Qutab Vihar II
New Delhi-110071
(And working as Tailor in 1, Army H.Q.
New Delhi-110010)

...Applicant

(By: Advocate Sh. S.S. Tiwari)

Versus

1. Union of India through,
Secretary,
Ministry of Defence,
South Block, New Delhi
2. Area Accounts Officer,
Western Command,
T-61, Tigris Road,
Delhi Cantt -10
3. Commanding Officer,
1, A.H.Q. Signals Regiment,
New Delhi-10

...Respondents

(BY: Advocate Madhav Panikar)

ORDER

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

The applicant, who is a Tailor in the respondents' establishment is aggrieved by the fact that the respondents have, without prior notice to him, stopped making payments of salary and allowances at the enhanced rate sanctioned in his favour by the respondents' order dated 16.1.1998. Hence this O.A.

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2. The facts of this case are simple. The applicant joined the respondents' establishment in April 1983 as a Tailor in Ramgarh from where he was transferred to Varanasi and thereafter in 1992 to Delhi. His pay was refixed w.e.f. 15.10.1984 vide respondents' order dated 16.1.1998 in the scale of Rs. 260-400 (pre-revised). The earlier scale (pre-revised) was Rs. 210-290. The revised scale to which he thus became entitled w.e.f. 1.1.1986 was Rs. 950-1500. The applicant has also contended that his pay was refixed as above in terms of the respondents' order dated 19.9.1986 in which the pay scales of Tailor was revised from the old scale of Rs. 210-290 to the old scale of Rs. 260-400. The applicant received higher salary in accordance with the up-graded scale for 2 months and suddenly thereafter his pay has been reduced without any notice to him. The applicant's representation in the matter dated 5.6.1998 has succeeded in eliciting an interim response and so far a final reply has not been received. The applicant is also worried about the delay which has thus been caused.

3. During the course of hearing, the respondents have referred to certain letters placed on record which indicate that perhaps the pay scale of the applicant was not correctly fixed and that is why the respondents have stopped making payments in accordance with the higher grade. Admittedly, the matter is still under consideration with the respondents. In the

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circumstances, and having particular regard to the fact that the pay scale of the applicant has been reduced without giving him reasonable opportunity to state his case, we are inclined to dispose of this O.A. by directing the respondents to issue proper show cause notice to the applicant and give him reasonable opportunity to state his case against the reduction in pay scale so that the requirements of natural justice are fully met. The respondents are at liberty to consider the representation, if any, received by them in response to the proposed show cause notice before finally disposing of the applicant's representation dated 5.6.1998 currently pending with them. The respondents are also directed to ensure compliance of this order in full in two months from the date of receipt of a copy of this order.

(S.A.T. RIZVI)
MEMBER (A)

(KULDIP SINGH)
MEMBER (J)

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