

(24)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA-1003/95

New Delhi this the 2nd day of November, 1999.

Hon'ble Shri Justice Ashok Agarwal, Chairman
Hon'ble Shri S.P. Biswas, Member(A)

Sh. Charan Dass Gary,
Jr. Engineer (Elect.),
Hindon Central Electrical
Sub. Divn. No. IV, Hindon
Central Elect. Divn.
CPWD Hindon Airforce,
Ghaziabad. Applicant

(through Sh. B.S. Mainee, Advocate)

versus

1. Union of India through
the Secretary,
Ministry of Personnel & Training,
Public Grievances and Pension,
Dept. of Personnel and Training,
North Block, Central Secretariat,
New Delhi.
2. Secretary,
Ministry of Urban Development,
Nirman Bhawan,
New Delhi.
3. The Director General of Works,
CPWD, Nirman Bhawan,
New Delhi.
4. The Supdt. Engineer(Elect.),
Delhi Central Elect. Circle No.VIII,
CPWD, I.P. Bhawan,
New Delhi.
5. The Executive Engineer (Elect.),
Hindon Central Electrical Division,
CPWD, Hindon Airfied,
Ghaziabad. Respondents

(through Sh. Madhav Panikar, Advocate)

ORDER(ORAL)

Hon'ble Shri Justice Ashok Agarwal, Chairman



A short contention which has been raised on
behalf of the applicant in the present O.A. is that
by an order passed on 30.12.94 his salary which by a
previous order issued on 29.05.91 was fixed at Rs.

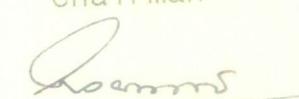
(95)

2300 P.M. has been reduced to Rs. 2100 P.M. and this has been done without issuing a show cause notice and without affording the applicant an opportunity of being heard.

2. We have heard the learned counsel for both the parties and we are satisfied that the aforesaid order of reduction of pay has been issued to the detriment of the applicant without issuing him a show cause notice and without giving him a reasonable opportunity of being heard. The same therefore suffer from the vice of non-observance of the principles of natural justice. In the circumstances, we are constrained to hold that the impugned order passed on 30.12.94 directing aforesaid reduction of pay and the consequent order issued on 09.05.95 directing recovery of the excess salary are liable to be quashed. Aforesaid orders are accordingly set aside. We make it clear that it will be open to the respondents, if they are so advised, to issue a show cause notice, afford the applicant a reasonable opportunity of being heard and thereafter pass appropriate orders in accordance with law. We further direct that after affording the applicant an opportunity of hearing, as aforesaid, respondents will pass a speaking order.

3. The O.A. is disposed of in the aforesaid terms. No costs.


(Ashok Agarwal)
Chairman


(S.P. Biswas)
Member(A)