

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

HON. SHRI R.K. AHOOJA, MEMBER(A)

O.A. NO. 2070/96

NEW DELHI, THIS 11TH DAY OF APRIL, 1997

SHRI B.S. NEGI
S/o Sh. Ram Singh Negi
aged about 51 years
R/o DG-976
Sarojini Nagar
New Delhi

working as Asstt. Supdt. Archaeologist
Archaeological Museum
Red Fort
Delhi

..APPLICANTS

(By Advocate - Shri M.K. Gupta)

VERSUS

UNION OF INDIA, through

1. The Secretary
Department of Culture
New Delhi
2. Archaeological Survey of India
through its Director General
Janpath, New Delhi
3. Superintending Archaeologist
Archaeological Survey of India
Museums Branch
Spirit Building
24 Jawaharlal Nehru Marg
Calcutta-16

..RESPONDENTS

(By Advocate - Shri B. Lall)

ORDER (ORAL)

In this O.A., the applicant challenges the validity of refixation of pay order dated 21.6.95 (A-1). Amongst various grounds adduced by the applicant, one is that no opportunity whatsoever to show cause was given to him before

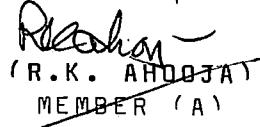
On

...2/-

the impugned order refixing his pay at a lower stage was passed and recoveries of alleged over-payments were ordered to be made.

2. The respondents in para 3 of their reply have conceded that a notice was not given. Respondents also state that they can even now give notice to the applicant both in regard to refixation of his pay and also for recovery in easy instalments.

3. I have heard the counsel on both sides. It is necessary that in case orders are issued which are to the disadvantage of a government employee, especially in matters of pay fixation, then he should be given an opportunity to show cause. In the present case, the same has admittedly not been done by respondents. Accordingly, the impugned order is quashed. In case the respondents wish to proceed further in the matter, they may do so after giving due opportunity to the applicant before passing an order, whereafter the applicant will be at liberty to seek relief in accordance with law ^{in case} he is not satisfied with the order of respondents.


(R.K. AHUJA)
MEMBER (A)

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