

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

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

New Delhi, this 6th day of November, 1996.

O.A. NO.417/96

Shri Bhavi Chand
s/o Shri Harswarup
Master Craftsman (Retd.)
R. Rly. Signal Workshop
Ghaziabad

... Applicant

(through Shri M.L. Sharma, Advocate)

VS.

1. Union of India thorugh,
General Manager, N. Railway
Headquarters office, Baroda House
New Delhi.

2. Chief Personnel Officer
R. Railway, Hqrs. office,
Baroda House, New Delhi.

3. Chief Workshop Manager
N. Railway Signal Workshop
Ghaziabad.

... Respondents

(through Advocate - None)

ORDER (ORAL)

The Applicant retired on 28.2.95 as Master Craftsman. He claims that on that day he was drawing a salary of Rs.1640/- per month which was fixed w.e.f. 26.11.94. He submits that his pay was Rs.1600/- p.m. from 26.11.93 and Rs.1640/- from 1.11.94 and his pension had to be fixed accordingly. He is aggrieved that the Respondents, without any notice to him, reduced his pay to Rs.1600/- after his retirement and made deductions from his gratuity on the basis that he had been overpaid earlier.

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2. I have heard Shri Sharma, 1d. counsel for the Applicant. He submits that in a similar case (O.A. NO. 483/96) decided on 2.9.1996, in identical circumstances the Tribunal had set aside the order of the respondents for reduction of pay after retirement. He submits that the pay of the Applicant could not have been reduced without at least giving him notice and opportunity to represent which was not done in the present case. Therefore, the case of the Applicant was also covered by the judgement in OA No.483/96.

3. I have carefully considered the arguments of the 1d. counsel for the Applicant and have gone through the records. The respondents in their reply submit that the reduction in the pay was effected before the retirement of the applicant vide order dated 16.2.95. They have, however, not enclosed a copy of that order. In his rejoinder, the Applicant had denied that there was any such order or that, if there was any such order, it was ever served upon him.

4. In the absence of the copy of the order dated 16.2.95, as submitted by the respondents, the only inference that can be drawn is that no such order, if there was one, was ever served upon the Applicant. The Applicant retired only after a few days, on 28.2.95, and it is quite possible that the respondents did not ensure that the order was served upon him. In these circumstances, the case would be that the pay of the Applicant was reduced to Rs.1600/- as per the Pension Payment Order only after his retirement.

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In that light of the matter, the ratio of the decision of this Tribunal in OA No.483/96, ^{which} I am in respectful agreement, covers this case. The Applicant is entitled to the relief sought for. The Respondents are directed to issue revised PPO to the Applicant calculating his pension on the basis of his pay at Rs.1640/- p.m. and to pay him the resultant arrears. The Respondents are also directed to calculate the remaining retiral benefits of the Applicant accordingly and pay him the balance amount, as also the amount, if any, which they have recovered from the gratuity of the Applicant on account of payment made to him before his retirement. These directions shall be complied with by the respondents within a period of three months from the date of communication of this order.

5. While the order was being dictated, Shri C. Martin appeared on behalf of the Respondents as a proxy for Ms. Pinki Anand, counsel for the Respondents, and requested that the order may be recalled and an opportunity may be given to the respondents to be heard on another date. The request was refused as even on the last date none had appeared for the respondents.

No order as to costs.

/avi/

R.K. Khobja
(R.K. KHOBJA)
MEMBER 'A'