



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

**OA No. 2880/2019
MA No. 787/2020**

New Delhi, this the 03rd day of September, 2020

(through video conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Sunil Bhatia,
Age about 60 years, (Group – C)
Working as Pharmacist,
Deep Chand Bandhu Hospital,
Ashok Vihar, New Delhi,
S/o Late Sh. Ramjiwaya Bhatia,
R/o H-48, DDA Flat, Ashok Vihar,
Phase-I, Delhi – 110015.

...Applicant

(By Advocate:Mr. Padama Kr. S.)

Versus

1. Govt. of NCT Delhi,
Through,
Chief Secretary,
Delhi Secretariat,
IP Estate, New Delhi.
2. Secretary,
Health & Family Welfare,
Department of Health & Family Welfare,
Govt. of NCT Delhi,
9th Level, A Wing,
IP Extension, Delhi Secretariat,
New Delhi – 110002.



3. Secretary,
Department of Finance,
Government of NCT Delhi,
4th Level, A wing,
Delhi Secretariat,
I.P. Estate, New Delhi.
4. Director,
Directorate of Health Service,
Govt. of NCT of Delhi,
Karkardooma, Delhi – 110032.
5. Head of Office,
Deep Chand Bandhu Hospital,
Ashok Vihar,
New Delhi – 110052.

...Respondents

(By Advocate: Ms. Esha Mazumdar)

O R D E R (ORAL)

Justice L. Narasimha Reddy, Chairman:-

The applicant is employed as Pharmacist in the Deep Chand Bandhu Hospital under the Government of NCT of Delhi. He was issued an order dated 13.06.2019, wherein his pay structure was revised and as a result thereof, an amount of Rs.3,10,943/- was sought to be recovered through order dated 01.08.2019. The applicant filed the OA feeling aggrieved by the revision of his pay structure and the recovery. The applicant attained the age of superannuation on 31.12.2019. It is stated that the



respondents are not releasing the pension and gratuity by citing the pendency of the OA.

2. In the reply, respondents have stated that the revision of the pay scale was on account of the fact that the applicant was extended certain benefits under the relevant provisions of law.

3. We heard Shri Padma Kumar S., learned counsel for applicant and Ms. Esha Mazumdar, learned counsel for respondents.

4. Through an order dated 13.06.2019, the pay structure of the applicant was revised. That in turn resulted the recovery of Rs.3,10,943/- . In case the respondents were of the view that the pay of the applicant is to be reduced for whatever reasons, the basic requirement was to put him on notice. The impugned orders are violative of principles of natural justice and are liable to be set aside.

5. However, we find from the record that the applicant did not object to the reduction of the pay scale. His grievance is only about the recovery. Therefore, we set



aside the order dated 01.08.2019, through which the recovery was ordered. The respondents shall issue show cause notice to the applicant indicating the reasons as to why they propose to recover the amount depending on the reply which the applicant may submit, they shall decide.

6. We, therefore, dispose of the OA directing that __

(a) The order dated 01.08.2019 is set aside and it is left open to the respondents to issue show cause notice and take further steps limited to the aspect of recovery.

(b) The respondents shall determine and release the pension and other benefits of the applicant as per the pay structure indicated in the order dated 13.06.2019 and in accordance with the other relevant provisions of law within a period of two weeks from the date of receipt of a copy of the order.

7. Pending MAs, if any, shall stand disposed of.

8. There shall be no orders as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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