

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK,**

ORDER SHEET

COURT NO. : 1
27/08/2020
O.A./260/305/2020

BANAMBER SETHY
-V/S-
D/O POST

ITEM NO:7
FOR APPLICANTS(S) Adv. : Mr. D. K. Mohanty
FOR RESPONDENTS(S) Adv.: Mr. A. K. Mohapatra

Notes of The Registry	Order of The Tribunal
	<p>Heard learned counsel for the applicant and respondents through VC. The applicant's counsel submitted that the applicant's salary has been reduced vide the impugned letter dated 22.7.2020 (Annexure-A/4 of the OA), by which the salary of the applicant was reduced without giving any opportunity of hearing to the applicant. It is further submitted that no reason has been mentioned in the said impugned letter at Annexure-A/4 and that the applicant has submitted a representation dated 7.8.2020 (Annexure-A/7 of the OA) addressed to the respondent no. 2, which is pending as date. It was submitted that the applicant's salary from July, 2020 should have been Rs. 82,600/- after adding the increment, but as per the impugned letter, his salary has been reduced to Rs. 69,200/- w.e.f. 1.7.2020 without assigning any reason. He pressed for the interim relief to stay the aforesaid letter reducing the applicant's pay w.e.f. 1.7.2020.</p> <p>Learned counsel for the respondents submitted that he is filing the objection to the interim prayer, copy of which has been given to the applicant's counsel. He submitted that there was a mistake in fixing the pay of the applicant, who had faced the punishment of compulsory retirement in a disciplinary proceeding in the year 2007, against which the applicant has filed appeal before the respondent no. 2 and vide order dated 7.5.2019, the punishment was reduced by five stages. Subsequently, the benefit of MACP was allowed to the applicant. It was detected by the Accounts Office (respondent no. 3) that the applicant's pay was fixed at higher level than his entitlement as explained in the objection filed by the respondents today. It was also submitted that the OA is premature since the representation filed by the applicant on 7.8.2020 is pending.</p> <p>It is noticed that no reason for reduction of salary has been mentioned in the letter dated 20/22.7.2020 (Annexure-A/4). Even though explanation has been furnished by the respondents justifying such reduction, but it was necessary to give an opportunity of hearing to the applicant alongwith the reasons for such a decision. Even the order dated 20/22.7.2020 (A/4) by which the salary of the applicant was reduced w.e.f.</p>

1.7.2020 did not mention any reason for such reduction in salary.

In the facts and circumstances as above and considering the fact that the representation dated 7.8.2020 is pending with the respondents, we dispose of the OA at this stage without expressing any opinion on the merit of the case, with a direction to the respondent no. 2 to consider the representation dated 7.8.2020 (Annexure-A/7 of the OA) and dispose of the same by passing a reasoned and speaking order, copy of which is to be communicated to the applicant within two months from the date of receipt of a copy of this order.

The OA is disposed of accordingly. The applicant will have liberty to send a copy of this order alongwith a copy of the paper book of the OA to the respondent no. 2 within a week.

Urgent copy of this order to learned counsel for both the sides. Parties may also take action on the basis of this order which will be uploaded on the website.

(SWARUP KUMAR MISHRA)
MEMBER (J)

(GOKUL CHANDRA PATI)
MEMBER (A)

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