



Central Administrative Tribunal Jammu Bench, Jammu

O.A. No.859/2020

Wednesday, this the 30th day of September, 2020

(Through Video Conferencing)

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

Sonia Gupta; aged: 38 years
W/o Sh. Sanjeev Gupta
R/o H.No. F-80, Sector 14,
Nanak Nagar, Jammu

...Applicant
(Mr. Rahul Pant, Advocate)

Versus

1. Union of Territory of Jammu and Kashmir
through
Commissioner/Secretary to Government
Health and Medical Education Department
Jammu and Kashmir Government
Civil Secretariat, Jammu
2. Principal
Government Medical College, Jammu

...Respondents

(Mr. Rajesh Thapa for Mr. Sudesh Magotra, Deputy Advocate
General)

ORDER (ORAL)



Justice L. Narasimha Reddy:

The applicant was appointed as Junior Physiotherapist in the Government Medical College, Jammu, the 2nd Respondent herein, on 23.04.2013. She was being paid the salary in the pay scale of Rs. 9300-34800 with Grade Pay of Rs. 4800/-. Through an order dated 22.08.2020, the respondents have revised her pay scale to be the one in Rs. 9300-34800 with Grade Pay of Rs. 4200/- with effect from the date of her appointment, i.e., 23.04.2013. It is also stated that the respondents are proposing to recover the difference of amount. This O.A. is filed challenging the order dated 22.08.2020 and for a direction to the respondents to release the salary in the pay scale of Rs. 9300-34800 with Grade Pay of Rs. 4800/-. The applicant contends that she was not put on notice, before the impugned order was issued.

2. We heard Mr. Rahul Pant, learned counsel for applicant

and Mr. Rajesh Thappa for Sh. Sudesh Magotra, learned Deputy Advocate General for respondents, at the stage of admission.

3. It is a matter of record that the applicant was appointed as

Junior Physiotherapist on 23.04.2013. A perusal of the order of appointment discloses that the pay scale attached to the post was not indicated. The respondents started paying the salary to



the applicant in the Pay Scale of 9300-34800 with Grade Pay of Rs. 4800/-. It appears that the Accounts Section of the second respondent has taken objection and indicated that her Grade Pay shall be only Rs. 4200/- and not Rs. 4800/-. In case the respondents have any basis for downward revision of the Grade Pay of the applicant, the basic requirement was to put her on notice and thereafter to take necessary steps. However, straightway, an order was passed on 22.08.2020 revising the Grade pay of the applicant from Rs. 4800/- to Rs. 4200/-. It is stated that the recovery is also being effected. We find that the impugned order is violative of principles of natural justice, and the interests of the applicant are adversely affected.

4. We, therefore, set aside the impugned order. However, we direct that the impugned order shall be treated as a notice to the applicant and she shall be entitled to submit her explanation with two weeks. Thereafter, the respondents shall pass a reasoned order taking into account, the explanation which the applicant may submit. Till such time, no recovery shall be effected from the applicant. The exercise shall be completed by the time the salary of the applicant for the next month becomes payable.



5. The O.A. stands disposed of.

There shall be no orders as to costs.

(A K Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

September 30, 2020

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