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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A.No. 1550/1990

New Delhi, this the 19th day of August, 1994.

HON'BLE SRI A.V. HARIDASAN	MEMBER (J)
HON'BLE SRI B.K. SINGH	MEMBER (A)

1. Sri Lekh Raj S/o Sri Anup Chand
Driver Gr.A under CTFO (RS)
Delhi, Delhi Division, NR,
New Delhi
R/o 1/17, Railway Colony,
Kishanganj, New Delhi.
2. Sri S.Parkash S/o Sri Ram Jawaya Mal,
Driver Gr.A under CTFO(RS), Delhi,
Delhi Division, NR, New Delhi
R/o H.No.6440, Nabi Karim,
Factory Road, Delhi. .. Applicants

(By Advocate Sri J.K. Bali, Advocate)

V/s

Union of India
through

1. General Manager, NR, Hqrs.Office,
Baroda House, New Delhi.
2. Divl. Railway Manager, Delhi Division,
NR, New Delhi .. Respondents

(By Sri B.K. Aggarwal, Standing Counsel)

ORDER (ORAL)

HON'BLE SRI A.V. HARIDASAN, MEMBER (JUDICIAL)

The grievance of the applicants is that by the impugned order dt.5-4-90 while promoting the applicants from the post of Driver Gr.B to Driver Gr.A their basic pay have been reduced from Rs.1760 to Rs.1650/-, and Rs.1720/- to Rs.1600/- respectively. The applicants contend that on their promotion to higher posts there is no justifi-

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fication to reduce their pay and that too without giving them a notice. With these allegations the applicants have sought to quash the impugned order to the extent it affects their basic pay.

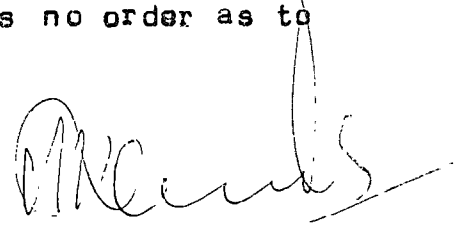
2. The respondents in their reply have stated that the fixation of pay in the impugned order at Annexure-1 was only provisionally made that it would be properly fixed in accordance with the rules, after getting clarification from the headquarters, that the fact has been mentioned at the foot note of the impugned order itself, and therefore the applicants have no legitimate grievance to be redressed.

3. We have heard Sri J.K. Bali, learned counsel for the applicants and Sri R.L. Dhawan, learned counsel for the respondents and perused the material papers carefully. The contention of the respondents that in the foot note the fact that the applicants pay would be fixed in accordance with the rule has been mentioned does not appear to be correct, because the foot note does not contain either the names or the serial numbers of the applicants. It is an admitted fact that by the impugned order the basic pays of the applicants have been reduced considerably. It is further admitted that before doing so no notice was given to the applicants. It is well settled that any order which has adverse civil consequences should not be passed against ^a person without giving ^{him} an opportunity to show cause against such an order. Therefore, we are convinced that part of the impugned order by which basic pays of the applicants have been reduced is illegal and unsustainable.

4. In the result, we set aside the impugned order to the extent to which the basic pay of the

applicants are affected adversely and we direct the respondents not to reduce the pay of the applicants from Rs.1760/- and Rs.1720/- respectively as stated in the impugned orders without complying with the legal formalities, if such a reduction is called for in accordance with the rules. There is no order as to costs.


(B.K. Singh)
Member(A)


(A.V. Haridasan)
Member (J)

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