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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA 2310/1993

New Delhi, this 22nd day of May, 1995

Shri P.T.Thiruvengadam, Hon'ble Member(A)

Shri J.S. Bansal
s/o Sardar Kartar Singh
H-62, Basement Part I
Lajpat Nagar, New Delhi

.. Applicant

By Shri V.P. Sharma, Advocate

versus

Union of India, through

1. The General Manager
Northern Railway
Baroda House, New Delhi

2. The Chief Administrative Officer
Const. Department, Northern Railway
Kashmere Gate, Delhi-6

.. Respondents

By Shyam Moorjani, Advocate

ORDER (oral)

This OA has been filed with the prayer that the letter dated 8.4.93 (Annexure A/1) by which the pay of the applicant has been reduced from Rs.960/- to Rs.880/- with effect from 31.1.83, be quashed.

2. The main ground relied upon by the learned counsel for the applicant is that the order for reduction in pay has been issued after a long gap of nearly 10 years and that too without any opportunity ~~be~~ being given to the applicant to explain his case.

3. It was however argued by the learned counsel for the respondents that on merits such a reduction became necessary since the earlier pay fixation had been erroneously made taking into consideration the applicant's ex-cadre working. At the time of retirement of the applicant, the error came to their knowledge and hence the corrective ~~action~~^{ve} action was taken.

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1. Without going into the merits of the case, I note that it is not disputed that the order regarding reduction in pay has been issued without giving an opportunity to the applicant to explain his case. The reduction ~~has~~ relates to over a period of 10 years from the date of earlier fixation.

5. It has been held in Bhagwan Shukla Vs. UOI & ors. (1994(5)SC-253) that such a reduction in pay of an employee without affording an opportunity of being heard would be violative of principles of natural justice. Hence, the impugned order dated 8.4.93 at Annexure A/1 is quashed. The respondents are given liberty to issue a fresh notice to the applicant in this regard, if they so choose. The OA is thus disposed of. No costs.

P. T. Thiruvengadam
22/5/95
(P.T.Thiruvengadam)
Member(A)
22.5.95

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