

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Allahabad this the 20th day of December 2000.

Original Application no. 1144 of 1996.

Hon'ble Mr. S.K.I. Naqvi, Judicial Member

Parimal Kumar Saha, S/o Late K.L. Saha,
R/o 121/10, J.K. Colony, Kanpur.
Previously employed as Civilian Gazetted Officer
(Administration)/CGO (A) in No. 4, B.R.D., Air
Force Station, Chakeri, Kanpur.

... Applicant

C/A Shri N.K. Nair, Shri M.K. Updhayaya

Versus

1. Union of India, through the Secretary,
Ministry of Defence, Govt. of India,
New Delhi.
2. Chief of Air Staff, Indian Air Force,
Air H. Qrs., D.H.Q., P.O., New Delhi.
3. Air Officer Commanding, Air Force Central,
Accounts Office (AFCAO), Subrato Park, New Delhi.
4. Air Officer Commanding-in-Chief (AOC-in-C),
Maintenance Command, Air Force, Nagpur.
5. Officer Commanding, No. 4, B.R.D., Air Force
Station, Chakeri, Kanpur.

... Respondents

C/Rs Shri S.C. Tripathi

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O R D E R (Oral)

Hon'ble Mr. S.K.I. Naqvi, Member-J.

Shri P.K. Saha, has come up seeking relief to the effect that the impugned order dated 12.08.96 (annexure A1) be quashed, through which the applicant is being subjected to deduction of Rs. 10,000/- for erroneous pay fixation and consequently overpayment of the pay.

2. As per applicant's case, while he was serving as Civilian Gazetted Officer (Admn.) in the respondents establishment, he was called for option regarding implementation of recommendation of Pay Commission to take effect from 1.1.86. The applicant submitted his option and his pay was fixed accordingly, which was approved as per annexure A-4 dated 29.1.91 but after his retirement, the respondents passed an order to deduct Rs./2,000/- from his retiral settlement on account of having been paid excess pay due to wrong fixation for which the applicant preferred a representation which has been decided vide annexure A-1 and his prayer has been turned down.

3. The respondents have contested the case and filed CA with a case that the erroneous amount paid to the applicant, to which he was not entitled, is being recovered and, therefore, the applicant is not entitled to get the claimed relief.

4. Heard Shri M.K. Updhayaya for the applicant and Shri R. Mishra proxy to Shri S.C. Tripathi for the respondents and perused the record.

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5. I find that while passing the impugned order the respondents ignored the fundamental Principle of natural justice and took the decision without giving an opportunity of being heard to the applicant. This order of deduction curtails civic right of the applicant by subjecting him to deduction of an amount to which he was otherwise entitled and thereby the impugned order cannot be sustained which is quashed accordingly. However, it is provided that the respondents are not precluded from passing fresh order in this regard after giving an opportunity of being heard to the applicant. The OA is decided accordingly with the above observation.

6. No order as to costs.

Sacra
Member-J

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