

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Allahabad this the 2nd day of February, 2001

CORAM :- Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

Original Application No. 33 of 1996.

Iqbal Bahadur Srivastava aged about 71 years son of the Late J.B. Srivastava residing at 1112/4, Gonda Compound, Civil Lines, Sipri Bazar, Jhansi.

.....Applicant.

Counsel for the Applicant:- Shri M.P. Gupta

Versus

1. The Union of India through the General Manager, Central Railway Bombay V.T.
2. The Divisional Railway Manager, Central Railway, Jhansi.

.....Respondents

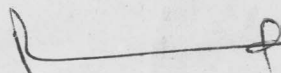
Counsel for the Respondents:- Shri A.K. Gaur.

O R D E R (Oral)

(By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.)

By this application under Section 19 of the Act applicant has challenged the order dated 5.12.95 by which pension has been reduced from 1183 to 1079.

2. The facts in short giving rise to this application are that the applicant I.B. Srivastava retired from service as Office Superintendent on 31.10.1983. He was serving under D.R.M.'s office, Central Railway, Jhansi. The Applicants ~~was~~ pension was fixed Rs.514/-. He represented against the same. In the mean time pension was revised with effect from 1.1.86. The representation of the applicant was accepted and by



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order dated 20.4.95 his pension was fixed ~~at~~ Rs.1180/-. However, by the impugned order dated 5.12.95 the pension has been reduced to the amount of Rs. 1079/-.

3. Shri M.P. Gupta learned counsel for the applicant has questioned the legality of the order on the ground that ~~the~~ before passing the order, applicant is entitled for hearing and order has been passed in violation of principles of natural justice. The learned counsel for the respondents could not explained this legal ~~formality~~<sup>infirmity</sup> in the order.

4. For the reasons stated above this O.A. is allowed. The impugned order dated 5.12.95 is quashed. However, opportunity is given to the respondents to pass fresh order in accordance with law ~~of the~~<sup>u</sup> after giving opportunity of hearing to the applicant.

5. There will be no order as to costs.

  
Vice-Chairman.

/Anand/