

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 20th day of May 2002.

QUORUM : HON. MR. S. DAYAL, A.M.
HON. MR. RAFIQUDDIN, J.M.

O. A. No. 679 of 2001.

S.M. Tripathi aged about 58 years s/o Late R.P. Tripathi r/o MIG-10, Sector-III, Hemant Vihar, Barra-2, Kanpur, presently employed as Senior Store Keeper, Central Ordnance Depot, Kanpur.....

..... Applicant.

Counsel for applicant : Sri M.K. Upadhyay.

Versus

1. Union of India through the Secretary, Ministry of Defence, Government of India, New Delhi.
2. Director General of Ordnance Services, MGO's Branch, Army Headquarters, D.H.Q., P.O. New Delhi.
3. The Controller General of Defence Accounts, West Block 5, R.K. Puram, New Delhi.
4. The Controller of Defence Accounts (Central Command), Cantt., Lucknow.
5. The Officer-in-Charge (Records), Trimulgherry, Seconderabad.
6. The Commandant, Central Ordnance Depot, Kanpur.

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..... Respondents.

Counsel for respondents : Sri R.C. Joshi.

O R D E R (ORAL)

BY MR. S. DAYAL, A.M.

The application has been filed for direction to the respondents to stop making deductions from the pay of the applicant of Rs.425/= per month and to refund the amount already deducted w.e.f. 1.1.96. A further direction to respondents is sought to grant personal pay @ Rs.225/= per month which was given to the applicant till Nov.99.

2. The claim of the applicant is that he was a combatant Store man in the corps of EME in the Indian Army from 13.8.60 to 25.11.77. He was granted pension of Rs.137/= per month w.e.f. 26.11.77. He was re-employed in Civil Post Store Keeper

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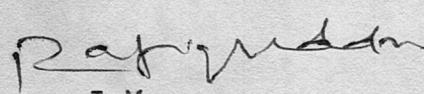
in C.O.D., Kanpur w.e.f. 12.8.80 in the scale of Rs.260-400. There was delay in fixing the pay of the applicant and it was ultimately fixed by order dated 8.4.94 at Rs.374/= w.e.f. 12.8.80 in the pay scale of Rs.260-6-290-EB-6-326-8-366-EB-8-390-10-400 with deduction of Rs.125/= with a total emolument in terms of Ministry of Defence O.M. dated 12.6.63. The applicant has claimed that by impugned order dated 14.7.99, the respondents have increased the deduction from Rs.125/= to Rs.425/= per month without granting any opportunity to show cause as to why the deductions may not be enhanced.

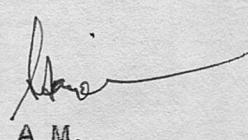
3. We have had the benefit of hearing of Sri M.K. Upadhyay for applicant and Sri N.C. Nishad, B.H. of Sri R.C. Joshi for respondents.

4. Since the applicant in para 26 and 28 has claimed that the enhancement was made without granting any opportunity to the applicant to show cause against the proposed enhancement.

5. The respondents have by-passing order dated 14.7.99 imposed ^{some civil & other} ~~further~~ consequences upon the applicant which are adverse to his interest. Before imposing such consequences, the respondents should have granted opportunity to the applicant to show cause. In so far as this has not been done, the impugned order cannot be sustained as far as the applicant is concerned. Therefore, the said order is set aside. The amount recovered from the applicant shall be refunded from the date of receipt of a copy of this order. If the respondents seek to pass any adverse order against the applicant, they shall have give opportunity to him before such an order is passed. The O.A. stands dispose of.

No order as to costs.


J.M.


A.M.

Asthana/
28.5.02