

Item No. 13



**Central Administrative Tribunal
Jammu Bench, Jammu**

TA No. 5038/2020
(SWP No. 1161/2009)

Monday, this the 31st day of May, 2021

(Through Video Conferencing)

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Tarun Shridhar, Member (A)

Fareed Ahmed, Age 41 years
S/o Shri Ghulam Mohammad Kachra
R/o Village Dharan
Tehsil & District Ramban
Presently posted as Treasury Guard
Udhampur.

...Applicant

(Mr. B S Bali, Advocate)

VERSUS

1. State of Jammu & Kashmir
Through Commissioner/Secretary Home
Civil Secretariat, Srinagar.
2. Senior Superintendent of Police
Udhampur.

...Respondents

(Mr. Sudesh Mangotra, Deputy Advocate General)



ORDER (ORAL)

Mr. Justice L. Narasimha Reddy:

The applicant was appointed as Constable in Jammu & Kashmir Police in the year 1999 in the pay scale of Rs.2750-4400. He was being paid the salary with periodical increments. However, in the pay slips for the months of May and June, 2009, his pay was reduced from Rs.4270/- to Rs.3425/-. Feeling aggrieved by that, the applicant filed SWP No. 1161/2009 before the Hon'ble High Court of Jammu & Kashmir.

2. The applicant pleaded that there was absolutely no justification in reducing the pay scale, that too, without any notice. He stated that no proceedings whatever were initiated and reduction was made unilaterally. The Hon'ble High Court passed an interim order dated 15.07.2009, directing the respondents to restore the pay scale of the applicant without any deduction. It is stated that the applicant is being paid the salary without any deduction in view of the interim order.

3. The SWP has since been transferred to the Tribunal in view of the reorganisation of the State of Jammu & Kashmir and renumbered as T.A. No.5038/2021.

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4. Today, we heard Mr. B.S. Bali, learned counsel for applicant and Mr. Sudesh Mangotra, learned Deputy Advocate General.

5. The order of appointment of the applicant indicated the pay scale and the necessary entries were made in his service record also. The occasion to reduce the pay structure of an employee would arise, if only the necessary steps are initiated and the pay scale is reduced by way of punishment. The other instance can be where the initial fixation of pay itself was by a mistake and the correct pay is fixed after verification. There again, the exercise must be preceded by a notice and in the instant case, none of those steps are taken by the respondents before reducing the pay scale of the applicant.

6. We, therefore, allow the T.A. and direct the respondents to continue to pay the salary to the applicant without any deduction. We make it clear that in case any necessity arises in revising the pay structure of the applicant, it shall be strictly in accordance with law and by issuing a prior notice. There shall be no order as to costs.

(Tarun Shridhar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

May 31, 2021
/sunil/jyoti/ns/sd/

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