

Item No.17



**Central Administrative Tribunal  
Principal Bench, New Delhi**

**O.A. No.1355/2020**

**This the 28<sup>th</sup> day of April, 2021**

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman  
Hon'ble Dr. Nandita Chatterjee, Member (A)**

Rajinder Kumar, aged 59 years  
S/o Sh. Ram Pal  
Working as MTS (Safaiwala)  
In National Test House, North Region  
Kamla Nehru Nagar, Ghaziabad  
r/o H.No. 435, Village Razapur  
Distt. Ghaziabad (UP)

- Applicant

(By Advocate: Sh. Yogesh Sharma)

**Versus**

1. Union of India through the Secretary  
Ministry of Consumer Affairs  
Food & Public Distribution  
Department of Consumer Affairs, Jamnagar House  
New Delhi.
2. The Director General  
National Test House  
Department of Consumer Affairs  
Govt. of India, Kolkata-700091.
3. The Director  
National Test House (NR)  
Kamla Nehru Nagar, Ghaziabad (UP).

- Respondents

(By Advocate: Ms. Neetu Mishra for Sh. K.M. Singh)

Item No.17

**ORDER (Oral)****Justice L. Narasimha Reddy:**

The applicant is working as MTS (Safaiwala) in the Respondent Organization. He was extended the benefit of the merger of pay scale on the recommendations of the VI Central Pay Commission (CPC) as well as the benefit of MACP, as and when he completed the stipulated length of service. Through an order dated 25.02.2020, the respondents revised the pay structure of the applicant to his disadvantage. It is stated that the reduction was in the process of examining the case of his senior, who made a request for upgradation of his pay and in the process, the respondents have reduced the pay of the applicant.

2. The respondents filed a detailed reply. It is stated that in the course of implementation of the various recommendations, some mistake has crept in and the applicant was extended the benefit of MACP, which he was otherwise not entitled to. Reference is made to OM dated 16.11.2009.

3. We heard Sh. Yogesh Sharma, learned counsel for the applicant and Ms. Neetu Mishra, learned counsel appearing for Sh. K.M. Singh, learned counsel for the respondents.

Item No.17



4. It is not in dispute that the applicant was extended certain benefits and his pay was fixed at a particular level. Through an impugned order, his pay was revised to his disadvantage. Assuming that there exists any valid legal basis for taking such a step, the minimum requirement under law is that the applicant must be put on notice before taking any steps. Admittedly, no notice was issued to the applicant before the impugned order was passed.

5. On this short ground, the impugned order is set aside. It is left open to the respondents to issue notice to the applicant and then, to pass a reasoned order. The exercise in this behalf shall be completed within a period of three months from the date of receipt of a copy of this order. If no such steps are taken, the respondents shall be under an obligation to restore the earlier pay structure of the applicant.

6. The OA is allowed to the extent indicated above. There shall be no order as to costs.

**(Dr. Nandita Chatterjee)**  
**Member (A)**

**(Justice L. Narasimha Reddy)**  
**Chairman**

rk/ns/dsn