

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



**O.A. No.1685/2020
With
O.A. No. 440/2021**

O.A. No.1686/2020

O.A. No. 1687/2020

This the 4th day of May, 2021

(Through Video Conferencing)

**Hon'ble Mr. A.K. Bishnoi, Member (A)
Hon'ble Mr. R.N. Singh, Member (J)**

O.A. No.1685/2020

1. Atar Singh, aged 50 years
S/o Sh. Kalua Singh,
Working as Chief Loco Inspector posted
At N. Railway Station, Muradabad,
r/o C2-182, Mansarovar, Muradabad
2. Chhotey Lal, Aged 47 years
S/o Sh. Triloki Ram,
Working as Chief Loco Inspector,
N. Railway, Muradabad,
r/o 6A/167, Budhi Vihar, Awas Vikas,
Muradabad.
3. Om Prakash Saroj, aged 53 years,
S/o Sh. Gayadin,
Working as Chief Loco Inspector,
N. Railway, Muradabad (UP)
R/o Moh. Krishnapuri,
Linepar, Muradabad.
4. Hari Ram Meena, Aged 41 years,
S/o Sh. Gyarshi lal Meena
Working as Chief Loco Inspector,
N. Railway, Hapur (UP)
R/o Vill. Begampura, Post Pachala,
Distt. Tonk (Raj.)



5. Subhash Chandra, aged 51 years
 S/o Sh. Yad Ram Singh,
 Working as Chief Loco Inspector
 N. Railway, Muradabad (UP)
 r/o BH-08, B Block, Mansarovar
 Colony, Muradabad.

...Applicants

(through Advocate: Shri Yogesh Sharma)

Versus

1. Union of India through the General Manager,
 Northern Railway, Baroda House, New Delhi
2. The Divisional Railway Manager,
 Northern Railway, Muradabad Division
 Moradabad.

... Respondents

(through Advocate: Shri V.S.R. Krishna with Shri Krishan Kant Sharma)

O.A. No. 440/2021

Smt. Manju Rani, aged 56 years,
 W/o late Sh. Yashpal Singh,
 r/o Village Ashalatpur Bilari Dehat,
 Muradabad (UP)

...Applicant

(through Advocate: Shri Yogesh Sharma)

Versus

1. Union of India through the General Manager,
 Northern Railway, Baroda House, New Delhi
2. The Divisional Railway Manager,
 Northern Railway, Muradabad Division
 Moradabad.

... Respondents

(through Advocate: Shri V.S.R. Krishna with Shri Krishan Kant Sharma)



O.A. No.1686/2020

1. Kaushlender Singh, aged 52 years
S/o Sh. Vidhya Ram,
Working as Chief Loco Inspector posted
At N. Railway Station, Hapur Distt. Ghaziabad
r/o H. No. 1726/1203A, Sambhu Nagar,
Sukhababad, Distt. Firozbad (UP)
2. Mohd. Akram, Aged 54 years
S/o Sh. Mohd. Sibtain
Working as Chief Loco Inspector,
N. Railway, Bareilly,
R/o Railway Quarter No. T-30 C,
North Railway Colony, Bareilly.

...Applicants

(through Advocate: Shri Yogesh Sharma)

Versus

1. Union of India through the General Manager,
Northern Railway, Baroda House, New Delhi
2. The Divisional Railway Manager,
Northern Railway, Muradabad Division
Moradabad.

... Respondents

(through Advocate: Shri V.S.R. Krishna with Shri Krishan Kant Sharma)

O.A. No.1687/2020

1. Brij Pal, aged 54 years,
S/o Sh. Kantoo Ram,
Working as Chief Loco Inspector posted
At N. Railway Station, Haridwar,
r/o 1346/Preet Vihar, Ganeshpur, Roorkee (UP)
2. Om Prakash Meena, aged 54 years
S/o Sh. Ram Charan Meena,
Working as Chief Loco Inspector
N. Railway, Dehradun.
r/o L-49D, Railway Uppar Colony, Dehradun (UP)
r/o 9B/301, Awas Villas, Budh vihar, Muradabad

... Applicants

(through Advocate: Shri Yogesh Sharma)



Versus

1. Union of India through the General Manager,
Northern Railway, Baroda House, New Delhi
2. The Divisional Railway Manager,
Northern Railway, Muradabad Division
Moradabad.

... Respondents

(through Advocate: Shri V.S.R. Krishna with Shri Krishan Kant Sharma)

ORDER (Oral)

Hon'ble Mr. R. N. Singh, Member (J):

It is not in dispute that the issue and grounds raised in the present four OAs are same. Accordingly, with the consent of learned counsels for the parties, the present four OAs are being disposed of by the present common Order.

2. It is the case of the applicants that the applicants have been working to the post of Chief Loco Inspector and their pay has been fixed by the competent authority in accordance with the relevant rules and instructions on the subject.
3. Learned counsel for the applicants submits that the respondents have passed the orders, impugned in the respective OAs reducing the pay of the applicants without issuing any show cause notice to them. He further contends that on plain reading of the impugned orders, it



transpires that certain officials have approached the respondents for fixation of their pay correctly. However, in place of redressing the grievances of such employees, the respondents without issuing a show cause notice to the applicants have passed the impugned orders reducing the applicants' pay. He further submits that in OA No.440/2021, the pay of the applicant's late husband has been reduced after his unfortunate demise and the impugned order has adversely affected the family pension and other dues payable to the applicant and therefore wife of the deceased employee, Mrs. Manju Rani has approached this Tribunal by filing OA 440/2021.

4. Pursuant to notice from this Tribunal, the respondents have filed their counter reply. Shri Krishna, learned counsel for respondents vehemently argues that the respondents have passed the impugned orders re-fixing the pay of the applicants keeping in view the relevant rules and instructions on the subject and the respondents are always well within their jurisdiction to correct their mistake. There is nothing illegal in the orders, impugned by the applicants in the respective OAs. Shri Krishna adds that impugned order(s) itself are in the nature of show cause notices and, therefore, the present OAs are without any cause of action.

5. In rejoinder, learned counsel for the applicants Shri Yogesh Sharma reiterates his submissions that the pay of



the applicants have earlier correctly been fixed by the competent authority in accordance with the relevant rules and instructions and the impugned orders are not show cause notices but the final orders reducing the pay of the applicants without complying with the principles of natural justice and therefore, the same are not sustainable in the eyes of law. Learned counsel for the applicants also submits that in view of the pendency of the OA 440/2021, the respondents have not released the admissible DCRG benefits to the applicant in the OA 440/2021.

6. We have heard learned counsel for the parties. We have also perused the records. On plain reading of the impugned orders in the aforesaid OAs, it is evident that the same have been passed by the authorities keeping in view the representations received from certain officials working on the post of CLIs for stepping up of their pay. It is also evident that the orders have been passed by the respondents keeping in view certain anomalies. However, such anomalies have not been reflected in the impugned orders. It is also evident from the impugned orders that before reducing the pay of the applicants, no notice has been issued by the respondents to the applicants. It is settled law that before any order is passed which is likely to result into civil consequences, the principles of natural



justice is required to be complied with, which is missing in the present cases.

7. In view of the aforesaid facts and circumstances, the orders, impugned in the aforesaid OAs are quashed and set aside. However, it is made clear that the respondents shall be at liberty to pass necessary order(s) after issuance of show cause notice to the applicants. It is also made clear that while passing the aforesaid Order, we have not taken into consideration any other grounds.

8. It is further directed that the respondents shall release the admissible dues as admissible under DCRG, to the applicant in OA 440/2021 as expeditiously as possible and in any case within eight weeks of receipt of a copy of this Order. The same shall be subject to the outcome of the final decision of the competent authority under the respondents in accordance with the relevant rules and instructions on the subject.

9. All the four OAs are disposed of in the aforesaid terms. No costs.

10. Registry is directed to place a copy of this Order in all the connected OAs.

(R.N. Singh)
Member (J)

(A. K. Bishnoi)
Member (A)

/Ravi/daya/