

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH
LUCKNOW**

**Original Application No. 332/00024/2020
This the 20th day of January, 2020**

Hon'ble Ms. Jasmine Ahmed, Member - J

Balwant aged about 49 years son of Sri Goney religion Hindu qualification class 6th, Occupation Government service resident of Village 6/387 Sector – 6, Jankipuram Vistar Lucknow District – Lucknow.

..... Applicants

By Advocate: Sri Arvind Kumar Singh

VERSUS

1. Union of India, through its Secretary Postal and Telecom Sanchar Bhawan, 20 Ashok Road, New Delhi – 110001.
2. The Chief Post Master Lucknow, GPO, Postal Services, Lucknow.
3. The General Manager (Finance) Postal Account Office, U.P. Circle, Lucknow 226024.
4. Senior Superintendent Post Offices New Haidrabad Lucknow Division, Lucknow.
5. Director Postal Service Lucknow -1.
6. Assistant Superintendent Post Offices New Haidrabad Lucknow Division, Lucknow.
7. Post Master Post Office Mahanagar Lucknow.
8. Sub Post Master (HSG-I) Mahanagar, Lucknow.

..... Respondents

By Advocate: Sri Y.C Bhatt

O R D E R (ORAL)

No Division Bench is available today. However, with the consent of the parties, the O.A is being disposed of.

2. It is the contention of the Learned Counsel for the Applicant that the applicant herein is not getting his salary as in a arbitrary manner the respondents have reduced his salary to Rs. 10,070/- from Rs.

26,400/- Learned counsel for the applicant vehemently argued that before doing so, the respondents have never served him show cause notice, nor they have called response from him. He further states that the applicant came to know only from the salary slip that his salary has been reduced from Rs. 10,070/- from Rs. 26,400/. Learned counsel for the applicant in this regard drew my attention to page 14 which is salary slips of September 2017 and October 2017.

4. Applicant's counsel contends that after getting reduced salary, immediately on 04.12.2017 the applicant preferred a representation to the Department. Not getting reply from the respondents, he again preferred representation dated 29.05.2018. Thereafter, a detailed representation dated 05.03.2019 has also been preferred by him but till date no reply has been received by the applicant. Counsel for the applicant states that respondents should have taken a decision on the pending representations lying with them.

5. Counsel for the applicant also drew my attention to page 28 which is a letter written by Sub-Post Master, Mahanagar, Lucknow to Superintendent, Post Offices, Lucknow Mandal, Lucknow wherein in Para 4, the Sub-Post Master has categorically written as under:

“4. इसके बाद छठे वेतन आयोग की संस्तुति के आधार पर कर्मचारी को निर्धारित वेतन मिलता रहा है। लखनऊ जी०पी०ओ० द्वारा 4440-7444 + पे मैट्रिक लेवल में वेतन निर्धारण किया गया है जो सितम्बर 2017 तक मूल वेतन 26400 मिलता रहा है। बाद में अकारण बिना बताये लखनऊ जी०पी०ओ० द्वारा अक्टूबर 2017 में वेतन घटाकर 10070 कर दिया है। सातवें वेतन आयोग में वेतन निर्धारण नहीं किया है। ”

Meaning thereby that the salary was reduced without assigning any reason which is admitted by the respondents themselves in the letter dated 24.12.2018.

6. Counsel for the respondents states that the representation dated 05.03.2019 is not received in the Department. Hence, requested that the applicant may be directed to prefer a fresh representation to the respondents.

7. It is a settled proposition of law that whenever civil consequences are attracted, the respondents are bound to serve a show cause notice to the employee before taking any call on the issue. Here from the documents and record it seems that no such action/procedure was adopted by the respondents.

8. Taking into consideration, the contentions of the parties, applicant is directed to give/prefer fresh representation to the respondents within a week from today and the respondents are directed to take a decision on the fresh representation of the applicant after receiving it within four weeks thereafter. If as per letter dated 24.12.2018 the respondents themselves feel that the pay of the applicant has been reduced unnecessarily without any reason, they shall restore the pay/salary of the applicant after taking a decision on the representations of the applicant. It is made clear that nothing has been commented on the merit of the case.

9. With the above observation and direction, the O.A stands disposed of. There shall be no order as to costs.

(Signature)
Member (J)

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