

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 4th day of January 2002.

QUORUM : HON. MR. RAFIQUDDIN, J.M.  
HON. MR. C. S. CHADHA, A.M.

O.A. NO.1901 of 1994.

1. A.K. Srivastava a/a 50 years s/o Sri Ganauri Prasad  
r/o Qr.No.123, Dairy Colony, Gorakhpur, working as A.P.O.  
in N.E. Railway, Gorakhpur..... .... Applicant  
Counsel for applicant : Sri B. Tiwari.

Versus

1. Union of India through the General Manager, N.E. Railway,  
Gorakhpur.  
2. Chief Personnel Officer, N.E. Railway, Gorakhpur.  
..... Respondents.

Counsel for respondents : Sri A.V. Srivastava.

ORDER (ORAL)

BY HON. MR. RAFIQUDDIN, J.M.

The applicant, while working as Charge Man 'A' was granted proforma fixation of his pay in the scale of Rs.2375-3500 to the extent of pay of his junior one Sri H.N. Singh as Charge Man 'A' in the scale of Rs.550-750 Ru w.e.f. 24.6.71. It was provided that the pay of the applicant was fixed by proforma fixation by the General Manager(P) vide order dated 20.10.89. On this basis of this order, the pay of the applicant was fixed accordingly vide order dated 21.3.90. However, it appears that the respondents vide order dated 27.1.92 cancelled the aforesaid order dated 20.10.89 stating that the pay scale was not due to the applicant. The applicant has challenged this action of the respondents by filing this O.A. and has sought directions to be issued to the respondents to give the benefit of proforma fixation to the applicant as was granted vide order dated 21.3.90 and his pay was fixed at Rs.550-750 on 1.1.83.

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2. We have heard counsels for the parties.

3. It is not disputed that the order cancelling the proforma fixation of the pay dated 27.1.92, a copy of which has been annexed as Annexure <sup>1</sup>, has been passed without ~~assigning~~ <sup>issuing</sup> any show cause notice to the applicant and without assigning any reasons therein. It has, therefore, been contended by the counsel for the applicant that the action of the respondents by cancelling the order dated 20.10.89 is arbitrary and deserve to be quashed.

4. We find from the record that the applicant was granted proforma fixation of his pay and the same was cancelled without affording the opportunity to the applicant of being heard. <sup>On the</sup> ~~before~~ <sup>considering</sup> ~~provided~~ <sup>in</sup> that the respondents <sup>should</sup> ~~will~~ consider the case of the applicant in the light of the provisions contained in rule 1313 of Railway Establishment Code Vol.II (FA 22).

5. After considering the facts and circumstances of the case we finally dispose of this C.A. with the directions to the respondents to issue show-cause notice to the applicant for cancellation of his proforma fixation of pay vide order dated 20.10.89 and pass a reasoned order after considering his reply, if any, and also provide him personal hearing. <sup>Re</sup> ~~notifying~~ <sup>to</sup> the applicant. This exercise will be carried out within a period of three months from the date of communication of this order.

There shall be no order as to costs.

*A. M.*

Asthana/

*J. M.*