

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 4TH DAY OF DECEMBER, 2001

Original Application No.796 of 1995

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MR.C.S.CHADHA, MEMBER(A)

Jagdish Prasad Agrawal, Son of  
Late Sri nathoo Mal Agrawal  
R/o 47, Govindpur, Allahabad.

... Applicant

(By Adv: Shri K.S.Saxena)

versus

1. Union of India through  
General Manager, Northern  
Railway, baroda House,  
New Delhi.
2. The Divisional Railway Manager  
Northern Railway,  
Allahabad.
3. The Senior Divisional  
Personnel Officer, Northern  
Railway, Allahabad.

... Respondents

(By Adv: Shri A.V.Srivastava)

O R D E R(Oral)

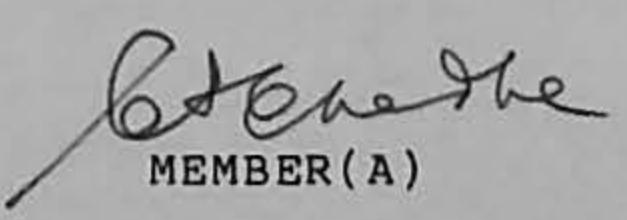
JUSTICE R.R.K.TRIVEDI,V.C.

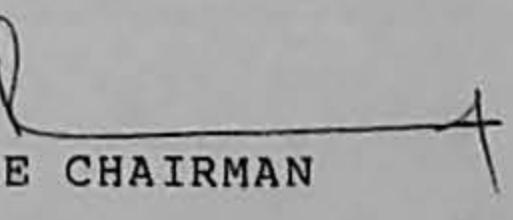
By this OA u/s 19 of A.T.Act 1985 the applicant has prayed for a direction to the respondents to restore the basic pay of the applicant from Rs.2600/- to Rs.2675/-treating his date of retirment on 31.1.1995. He has also prayed that the pensionary benefits may be directed to be recalculated according to the salary. The case of the applicant is that he was serving as Inspector of Works Grade-I in the pay scale of Rs.2000-3200/- and on the date of retirement he was drawing salary of Rs.2600/- but when he was just to retire his salary was reduced from 2675 to 2600/-. It is also stated that respondents ~~also~~ deducted an amount of Rs.4391/- from the gross amount of pay of the applicant.

The learned counsel for the applicant has submitted that this deduction in pay was given effect without giving any opportunity of hearing to the applicant. It is submitted that at no point of time the grade of salary fixed and paid to the applicant was disputed. All of sudden order was passed at the time of retirement causing serious loss to the applicant.

Shri A.V.Srivastava learned counsel for the respondents, on the other hand, tried to justify the action of the respondents stating that in absence of service record of the applicant pay was fixed provisionally on the date of promotion which was not correct and accordingly when the service record became available it was corrected. Be that as it may, but ~~it~~ remains a fact that order reducing the salary of the applicant was passed without giving him opportunity of hearing. There is <sup>no</sup> doubt about the legal position that any order entailing serious civil consequences can be passed against a person only after giving him reasonable opportunity of hearing, which in the present case has not been done. In our opinion, the applicant is entitled for relief.

The OA is accordingly disposed of finally with the direction to the respondents to serve a show cause notice on the applicant within a period of one month from the date a copy of this order is communicated. On receipt of the show cause notice applicant shall file his reply alongwith the evidence in support of his case. On receipt of the reply respondents no.3 shall consider the whole case again and pass a reasoned order within a period of 3 months. If the contention of the applicant is accepted, he shall be entitled for the consequential benefits which shall be paid without delay. There will be no order as to costs.

  
MEMBER(A)

  
VICE CHAIRMAN

Dated: 4.12.2001

Uv/