

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 23rd day of January, 2004.

QUORUM : HON. MR. JUSTICE S.R. SINGH, V.C.  
HON. MR. D. R. TIWARI, A.M.

O.A. No. 1271 of 2000

1. David Bhattacharya son of Mr. Bhattacharya Ticket No.2228, E.E. Mechanic, E.E.G., 510, Army Base Workshop, Meerut Cantt Meerut Resident of Moti Bagh Bara Hata Sadhana Near Tehsil, District Meerut.
2. Peyare Lal son of Sri Phagna, Ticket No.2740, E.E. Mechanic, E.E.G ., 510, Army Base Workshop, Meerut Cantt, Meerut, Resident Of Village Timakia Post Jani, Tehsil Sadar, District Meerut.
3. Nizamuddin son of Sri Abdul Ghani, Ticket No.1751, E.E. Mechanic, E.E.G., 510, Army Base Workshop, Meerut Cantt., Meerut.
4. Om Prakash son of Sri Mangat Ram, Ex-Ticket No.2166, E.E. Mechanic, E.E.G., 510 Army Base Workshop, Meerut Cantt. Meerut (Retired on 30.6.2000) Resident of Mohalla Charline, Purki Road, Meerut Cantt., Meerut.
5. Iqbal Ahmad son of Sri Mohd. Ishaq, Ex-Ticket No.1643, E.E. Mechanic, E.E.G., 510 Army Base Workshop, Meerut, Cantt., Meerut, Resident of Village Kaseru, Buxur Mawana Road Post Rajpura, District Meerut.....

.....Applicants.

Counsel for applicants : Sri A.I. Naqvi.

Versus

1. Union of India through the Secretary, Ministry of Defence, Parliamenta Street, New Delhi.
2. D.G., E.M.E. Army H.Q. North Block, D.G.Q. Post New Delhi.
3. Commandent 510 Army Base Workshop, Meerut Cantt, Meerut.
4. 510 Army Base Workshop, Meerut Cantt, Meerut through its Commandent.
5. The Accounts Officer (Lt. Colonel), E.E.G. (Group), 510 Army Base Workshop, Meerut Cantt., Meerut.
6. Sri S.K. Rastogi, Establishment Officer, (E.O.), 510 Army Base Workshop, Meerut Cantt., Meerut.

Counsel for the respondents : Sri R.C. Joshi

: 2 :

Alongwith

Applicant in O.A. No. 1471 OF 2000

Suresh Chand,  
son of Sheesh Ram Ticket No. 2774,  
V.M.(A.F.V.), 510 Army Base Workshop Meerut  
Cantt, Meerut, Resident of Mohalla Vikrampura  
Town & Post Daurala Tehsil Sardhana, District  
Meerut.

.....Applicant.

Counsel for the applicant : Sri A.I. Naqvi)

Versus.

1. Union of India through the Secretary  
Ministry of Defence Parliament Street,  
New Delhi.
2. Commandant 510 Army Base Workshop,  
Meerut, Cantt, Meerut.
3. 510 Army Base Workshop, Meerut Cantt,  
Meerut through its Commandant.
4. Director General of Electrical and  
Mechanical Engineering Army Head  
Quarter, North Block, D.C.D. Post,  
New Delhi.
5. Sri Dharam Chandra-U.D.C.-14690118,  
510, Army Base Workshop, Meerut Cantt,  
Meerut.

.....Respondents

Counsel for the Respondents : Sri R.C. Joshi

Alongwith

ORIGINAL APPLICATION NO. 1472 OF 2000

Sirajuddin,  
son of Sri Abdul Makim,  
Ticket No. 1675,  
E.E. Mechanic,  
510 Army Base Workshop Meerut Cantt Meerut,  
R/o 18/8 Karim Nagar Hapur Road,  
Meerut City: Meerut.

.....Applicant in  
O.A. No. 1472/2000

Alongwith

ORIGINAL APPLICATION NO. 1473 OF 2000

Rajesh Kumar,  
son of Sri Data Ram Ticket No. 2580,

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Electrician (A.F.V.) 510 Army Base Workshop Meerut Cantt, Meerut, resident of Village & Post Jatoly Tahsil Sardhana, District Meerut.

.....Applicant in O.A.  
No.1473/2000.

Alongwith

ORIGINAL APPLICATION NO.1474 of 2000.

Ami Chand Ticket No.2747, E.E. Mechanic, 510, Army Base Workshop Meerut Cantt, Meerut R/O Sher Garhi Shastri Nagar, District Meerut.

.....Applicant in O.A.  
No.1474/2000.

Alongwith

ORIGINAL APPLICATION NO.1475 of 2000

Ghanshyam Saini son of Sri Ram Phal Ticket No.2773, V.M. (A.F.V.) in the 510 Army Base Workshop Meerut Cantt, Meerut resident of Village and Post Rathani, Tahsil Sadar, District Meerut.

.....Applicant in O.A.  
No.1475/2000.

Versus

1. Union of India through the Secretary, Ministry of Defence, Parliament Street, New Delhi.
2. Commandant, 510 Army Base Workshop, Meerut Cantt, Meerut.
3. 510-Army Base Workshop, Meerut Cantt through its Commandant.
4. Director General of Electrical and Mechanical Engineering Army Headquarter, North Block, D.G.O., Post New Delhi.
5. Sri Dharam Chandra- U.D.C.-14690118, 510, Army Base Workshop, Meerut Cantt., Meerut.

.....

.....Respondents.

Counsel for respondents : Sri R.C. Joshi.

O R D E R (ORAL)

BY HON. MR. JUSTICE S.R. SINGH, V.C.

Heard Sri A.I. Naqvi, learned counsel for the applicants and Sri Chandrika Prasad holding brief of Sri R.C. Joshi, learned counsel for respondents and perused the pleadings. Since common question of law and facts involved in these O.As, they are being disposed by a common order with the consent of the counsel for both the parties.

2. The pay of the applicants w.e.f. 1.1.1996 was fixed in the scale of Rs.4000-6000 and the applicants

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continued to receive their salary in the scale of Rs.4000-6000 as per fixation of their pay in the said scale as indicated above right upto May, 2000. Subsequently, as per pay slips, the salaries payable to the applicants came to be reduced. It appears that the applicants preferred representations challenging reduction of their salaries without any rhyme and reason. The authorities, however, did not pay any heed and passed no order. The applicants then preferred Original Application and prayed for an interim relief. The Tribunal, by its interim order dated 7.11.2000, restrained the respondents from making any recovery from the salaries of the applicants till the next date. The said interim order was extended from time to time and is still continuing.

3. Learned counsel for applicant has submitted that the respondents were not justified in reducing the emoluments of the applicants without any rhyme or reason and without affording them an opportunity of hearing. In the Counter Affidavit it is alleged that on the implementation of Vth Central Pay Commission Report, the salaries of the applicants were wrongly fixed and on the mistake being discovered, the same has been corrected. The recovery from the applicants, according to the respondents, is neither illegal nor arbitrary

4. Having heard counsel for the parties, we are of the view that if once pay was fixed in the revised scale as on 1.1.1996, mistake, if any, in the fixation of pay, ought to have been corrected after notice to the applicants. It is not the case of the respondents that the applicants were responsible for wrong fixation, if any, of their pay in the revised scale w.e.f. 1.1.1996.

5. We are, therefore, of the view that the respondents were under the obligation to afford an opportunity to the applicants before directing recovery of the excess payment.

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if any, on account of wrong fixation in the revised scale. However, we are of the view that it would meet the ends of justice if the Original Application is disposed of with a direction to the respondents that the mistake, if any, in the fixation of pay in the revised scale w.e.f. 1.1.96 should be corrected only after giving an opportunity showing cause to the applicants. Pending such decision further recovery from the salaries of the applicants, who are in service and from pension of those who have already retired, shall be kept in abeyance.

No order as to costs.

Researched  
mag  
22/11/04

Sd/-

AM

Sd/-

VC