

OPEN COURT.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH, ALLAHABAD.

Diary No. 4392 of 2002.

In

Original Application No.1337 of 2002.

Allahabad, this 06th day of November, 2002.


Hon'ble Mr. Justice R.R.K. Trivedi, V.C.
Hon'ble Maj Gen KK Srivastava, A.M.

1. H & S. Factory Employees' Union, Kanpur
a Registered and recognised Trade Union,
registered under the Trade Unions Act,
bearing Registration No.225, dated 3.7.1946,
having its office at Udyog Bhawan, 15/248, Civil
Lines, Kanpur-208001, through its Vice-President
and Authorised Representative Lalit Mohan.
2. Lalit Mohan,
aged about 58 years,
Son of Late Rajendra Prasad,
Tailor, Highly Skilled Grade-II,
Ticket No.1059/T-2, P. No.105483,
Ordnance Equipment Factory, Cantt.
Kanpur.
3. Salauddin
aged about 59 years,
son of Late Ataulloh,
Tailor, Highly Skilled Grade-I,
Ticket No.2204/T-2, P. No.105947,
Ordnance Equipment Factory, Cantt.,
Kanpur.
4. Rafiq Alam,
aged about 48 years,
Son of Late Rafiquddin,
Turner, Highly Skilled Grade-II,
Ticket No.284/MS, P. No.102254,
Ordnance Equipment Factory, Cantt.,
Kanpur.
- 5- Garib Chandra,
aged about 59 years,
Son of Shyam Lal,
Tailor, Highly Skilled Grade-I,
Ticket No.1110/T-2, P.No.105508,
Ordnance Equipment Factory, Cantt.,
Kanpur.

.....Applicants.

Counsel for the Applicants: Sri N.K. Nair/ Sri M.K. Upadhyay.

V E R S U S

1. Union of India, through the Secretary, Ministry
of Defence, Department of Defence Production
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Government of India, New Delhi.

2. Chairman, Ordnance Factory Board/Director General, Ordnance Factories, 10-A, Shaheed Khudi Ram Bose Road, Kolkata-1.
3. General Manager, Ordnance Equipment Factory, Cantt., Kanpur.
4. Controller of Defence Accounts, Factories, 10-A, Shaheed Khudi Ram Bose Road, Kolkata-1.
5. Accounts Officer, Ordnance Equipment Factory, Cantt., Kanpur.

.....Respondents.

(Counsel for the respondents: Sri R.C. Joshi)

_O_R_D_E_R_(Oral)

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

This application under section 19 of the A.T. Act, 1985, has been filed by the applicant No.1, which is Union of Employees of H & S, Factory Kanpur and the applicant Nos. 2 to 5 who are workers. The grievance is that respondents without any show cause notice and opportunity of hearing have reduced, ^{the} pay scale from Rs.5000-8000/- to Rs.4000-6000/- and from Rs.4500-7000/- to Rs.4000-6000/- and thus the applicants have been put to tremendous financial loss, without any opportunity of hearing. Before coming to this Tribunal, applicants filed representation, a copy of which has been filed as Annexure A-9. The representation has not yet been decided. There is no doubt about the legal position that any order entailing Civil consequence may be passed only after giving show cause notice and opportunity of hearing to persons concerned. In the present case, the principles of natural justice have not been observed before reducing the pay scale. In the circumstances, in our opinion the ends of justice will be served if the respondent No. 3 is directed to consider and decide the representation of the applicants by reasoned order





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within a specified time and during this period interest of applicants may be protected.

2. The O.A., is accordingly disposed of finally with a direction to the respondent No.3 to consider and decide the representation of the applicants by a reasoned order within three months from the date of copy of this order is filed. To avoid delay, it shall be open to applicants to file a copy of the representation alongwith the copy of this order. It is further provided that until the representation of the applicants is decided by respondent No.3, their pay shall not be reduced and if the representation is decided in their favour, the amount already deducted shall be refunded to them without delay.

No order as to costs.


Member-A


Vice-Chairman.

Manish/-