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CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH

ORIGINAL APPLICATION NO. 305/2005
DATE OF DECISION : THIS THE 3RD DAY OF JULY, 2007.

CORAM :

Hon'ble Mr. Kuldip Singh, Vice Chairman
Hon'ble Mr. R.R. Bhandari, Administrative Member

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Trivendra Singh S/o Shri Beant Singh aged 43 years, Electrician H.S. In the Office of Garrison Engineer, MES, Sriganganagar, Resident of 7 h 6, Jawahar nagar, Sriganganagar.

.....Applicant.

By Mr. Vijay Mehta, counsel for the applicant.
Versus

1. Union of India through the Secretary,
Ministry of Defence,
Raksha Bhawan, new Delhi.
2. Commander Works Engineer (P),
MES, Sriganganagar.
3. Garrison Engineer,
MES, Sriganganagar.

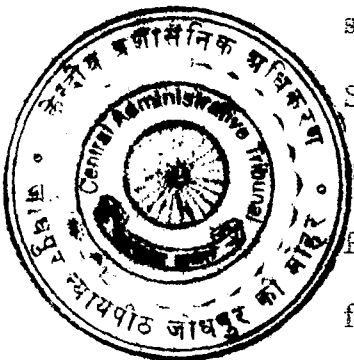
.....Respondents.

By Mr. Mahendra Godara advocate brief holder for
Mr. Vineet Mathur, counsel for the respondents.

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ORDER
[BY KULDIP SINGH, VICE CHAIRMAN]

Heard the learned counsel for the parties.

2. The applicant had filed this O.A. assailing the order at Annex. A/1 dated 5.10.2005 by which recovery has been proposed to be made from the salary of the applicant on the ground that he has been paid excess amount while fixing the pay at the higher stage in comparison to one Shri Sita Ram. The applicant submits that according to Statement of Fixation of pay under Central Civil Services (Revised Pay) Rules, 1986 at Annex. A/4 dated 27.10.1996, his pay has been rightly fixed at Rs. 1260- w.e.f 1.1.1986 in the pay scale of Rs. 1200-1800. But, vide the impugned order without specifying any reason so as to how the figure of Rs. 49,858/- has been arrived at and how and on what basis his basic pay is being redetermined, recovery has been ordered, therefore, the learned counsel argued that his case cannot be compared with the said Shri Sita Ram, and his pay was rightly fixed and the same does not require any reconsideration.



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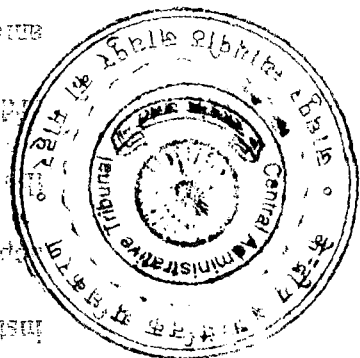
3. In the reply, the respondents have submitted that at the relevant time

the applicant was drawing the pay Rs. 330/- in the pay scale of Rs. 330-480 and according to the ready reckoner, at the initial stage, his pay w.e.f. 1.1.1986 has to be fixed at Rs. 1200/- instead of Rs. 1260/-. We find that no reason has been given as to how and at what rate, the applicant was drawing his pay at the relevant time even in the impugned order or during the arguments nor it is explained that in what circumstances, order Annex. A/4 fixing the pay of the applicant at Rs. 1260/- was issued. It is also apparent from the records that no notice or opportunity of hearing before issuing impugned order was given and all of a sudden, at the instance of audit, the order was issued. In these circumstances, it would be appropriate that the respondents are directed to afford an opportunity of hearing to the applicant before affecting any recovery from him. Accordingly, we quash the order at Annex. A/1 dated 1.10.2005 and restrain the respondents to recover any amount towards re-fixation and direct the respondents that a fresh show cause notice be issued to the applicant providing him an opportunity to explain the circumstances as to how and at what stage, his pay should have been fixed.

4. There is no orders as to cost.

(R.R. Bhambhani)
Adm. Member

(Kuldeep Singh)
Vice Chairman

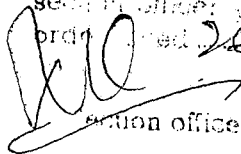


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R Cohn
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6/7/07

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Part II and III destroyed
in my presence on 6/6/14
under the supervision of
section officer as per
order dated 26/3/14


Section officer (Records)