

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 451 of 1995

Friday, this the 26th day of July, 1996

CORAM

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN
HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

1. T.P. Sreedharan, S/o Nakan,
Thadiyanparambil House, PO: Ariyallur,
Parappanad P.O., Extra Departmental Packer,
Ariyallur P.O. .. Applicant

By Advocate Mr. MR Rajendran Nair

Versus

1. Union of India represented by
Secretary, Ministry of Communications,
New Delhi.

2. The Superintendent of Post Offices,
Tirur Division, Tirur.

3. The Postmaster,
Tirur - 676 101 .. Respondents

By Advocate Mr. MHJ David J, ACGSC

The application having been heard on 26th July 1996, the
Tribunal on the same day delivered the following:

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

An Extra Departmental Packer challenges Annexure A-3 order, reducing his salary (called 'allowances' in the case of Extra Departmental Agents) from Rs.620/- to Rs.345/- per month. He was originally appointed as Extra Departmental Sub Postmaster, but was downgraded into an Extra Departmental Packer, on the upgradation of the post office. However, his pay of Rs.620/- was protected by Annexure A-2 order. Thereafter, his pay was practically halved, by the impugned order (Annexure A-3), without even notice. This is under challenge.

contd...2

...2...

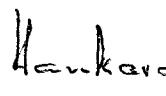
2. The Apex Court has held consistently and for long, that an order to the detriment of a citizen cannot be made without hearing him. *Audi alteram partem* has become an article of faith and a way of life, in our constitutional scheme of Government. Pre-decisional hearing, is part of adjudicatory process. The highest Court in the land has highlighted this requirement in a long line of decisions, for example State of Orissa Vs. Dr.(Ms) Bina Pani Dei & Ors [AIR 1967 SC 1269], Bhagwan Shukla Vs. Union of India & Ors [AIR 1994 SC 2480], Divisional Superintendent, Eastern Railway, Dibrugarh & Ors Vs. L.N. Keshri & Ors [(1975) 3 SCC 1] and so on.

3. The order under challenge is not only passed with scant respect to the principles of natural justice, but also in an autocratic style. Arbitrariness, is writ large on the face of it. It merely states that the pay of the official is fixed as Rs.345/- per month. Such unguided arbitrariness is "anathema to the Constitution", to borrow an elegant expression of the Apex Court. It is even more distressing that an already meagre wage of Rs.620/- is reduced to Rs.345/- in the name of the President of the Republic with a Constitution, with magnificent visions nurtured to great heights by the Apex Court. The resplendent horizons of the Constitution are lost on respondents. We quash the impugned order Annexure A-3 and direct respondents to restore the pay (allowances) of applicant to the level contemplated in Annexure A-2 order, namely Rs.620/- per mensum.

4. Application is allowed with costs which we fix at Rs.3000/- (Rupees Three Thousand).

Dated the 26th July, 1996


PV VENKATAKRISHNAN
ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

LIST OF ANNEXURES

Annexure A2:- True copy of the order No.A1/13
dated 26.3.1993 issued by 2nd respondent
to the applicant.

Annexure-A3:- True copy of the order No.A1/13 dated
21-3-1995 issued by 2nd respondent to
the 3rd respondent.