

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA 271/98

Friday this the 17th day of November, 2000.

CORAM

HON'BLE MR. A.M.SIVADAS, JUDICIAL MEMBER
HON'BLE MR. G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

M. Bella
Assistant Accounts Officer
Central Board of Direct Taxes
Kochi-18.

Applicant

By advocate Mr. P.Santhoshkumar

Versus

1. Union of India represented by
Secretary, Ministry of Finance
New Delhi.
 2. The Principal Chief Controller of Accounts
Central Board of Direct Taxes
Ministry of Finance
Lok Nayak Bhavan, Khan Market
New Delhi-3
 3. The Zonal Accounts Officer
Central Board of Direct Taxes
Kochi-18.
- Respondents.

By advocate Mr. Govind K. Bharathan, SCGSC

The application having been heard on 17th November, 2000, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.M.SIVADAS, JUDICIAL MEMBER

Applicant seeks to set aside Annexure A2 and to direct the respondents to refix and revise her pay in her subsequent promotion posts also and not to effect any recovery from her pay as per A2.

2. Applicant is working as Assistant Accounts Officer. She was an Accountant and was promoted as Senior Accountant with effect from 1.4.87, as Junior Accounts Officer with effect from 29.9.89 and as Assistant Accounts Officer with effect from 8.4.94. As per A1, qualification pay is to be merged with basic pay with reference to the option exercised by the

concerned officers. As on 1.6.87, she was drawing a basic pay of Rs. 1500/- in the post of Accountant. In addition to this, she was drawing a qualification pay of Rs. 30/- per month and Rs. 70/- per month as special pay as she has passed Junior Accounts Officer (Civil) Examination which would count for pay fixation. The audit party objected to the pay fixation and pointed out that the fixation was not in order. On the basis of the audit party's objection, second respondent revised the pay fixation of the applicant as per A2. A2 was issued without giving an opportunity to the applicant to put forth her objection. It is thus in violation of the principles of natural justice.

3. Respondents have filed a reply statement raising various contentions but on the aspect raised by the applicant that A-2 order issued was in violation of the principles of natural justice, the reply is silent. Even if the case of the respondents is that earlier the applicant's pay was fixed wrongly and the mistake was later found out and it has become necessary to correct the same and as long as there is no case that the mistake was committed earlier by the respondents not due to any fault of the applicant before issuance of A2. an opportunity should have been afforded to the applicant to raise her objections regarding the proposal to reduce. A2 was issued behind the back of the applicant without giving an opportunity to present her case. This is in violation of the principles of natural justice. On this ground alone, this OA is to be allowed.

4. Accordingly the Original Application is allowed, setting aside A2 and directing the respondents to refix and revise the applicant's pay in her subsequent promotion posts also and not to effect any recovery from her pay in pursuance

of A2. We however make it clear that this order will not stand in the way of the respondents to refix the applicant's pay after giving an opportunity to the applicant to raise whatever objections she has, in compliance with the principles of natural justice and in accordance with the rules in force.

Dated 17th November, 2000.



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER



A.M. SIVADAS
JUDICIAL MEMBER

aa.

Annexures referred to in this order:

- A-2: True copy of the proceedings No.ZAO/CHN/Estt./PF/MB/318 dated 2.2.98 of the 3rd respondent.
- A-1: True copy of the office memorandum No.A.11019/33/92/MF.CGA(A)/III/340 dated 22.4.97 of the 2nd respondent's office.