

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

OA No. 306 of 1995

Monday, this the 15th day of July, 1996

CORAM

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

1. K.S. Achuthan, S/o Sankaran,
residing at Kavumkoottath House,
Panangad PO, Ernakulam
working as ASU/779 Mazdoor
Garrison Engineer (Naval Works), Cochin-4 .. Applicant

By Advocate Mr. S. Sreekumar

Versus

1. Garrison Engineer (Naval Works),
Naval Base, Cochin-4
2. Flight Lieutenant OIC,
Civil Administration,
5, Base Repair Depot,
Air Force Station, Sulur-641401
3. Chief Engineer
Dakshin Kamand Mukhyalaya Engineer Sakha,
Head Quarters Southern Command,
Engineers Branch, Pune-413001 .. Respondents

By Advocate Mr. Saji Varghese for Mr. PR Ramachandra Menon,
Addl. CGSC

The application having been heard on 15th July, 1996,
the Tribunal on the same day delivered the following:

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Applicant complains of reduction in emoluments. The last pay drawn by him at Sulur was Rs.1010/- and on transfer it was reduced to Rs.940/-, states applicant.

2. Respondents do not deny this. According to them, while working as a Lascar in Indian Air Force, Sulur, Coimbatore applicant was transferred on compassionate grounds to the

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office of the Garrison Engineer, Cochin. Respondents say that this led to reduction of pay and allowances of applicant. They state in their reply affidavit:

"applicant was appointed as a Lascar (Indian Air Force) on 4.10.60 and was continuing as such and was then given promotion 'in situ' to the next higher pay scale of Rs. 810-15-1010- EB-20-1150 w.e.f. 1.1.91. The pay of applicant was fixed at Rs.980/- w.e.f. 1.4.91 and granted annual increment of Rs.15/- raising his basic pay from Rs.995/- to Rs.1010/-."

While admitting that the pay of Rs.1010/- was reduced to Rs.940/-, respondents have not shown any authority/rule justifying such a course. They have only said:

"since the same post of Lascar is not available ... applicant was given placement in the similar post and granted the maximum pay of Rs.940/-"

If this could be done, it could only be done with the consent of the official. Perhaps, his consent may have been obtained and it should be available. But we are not required to make guesses, as long as respondents have not set up and established such a case. It is not for us to find out justifications for the acts of respondents when they have not themselves chosen to do that, in spite of an opportunity being granted to file a reply statement and establish their case. Reply statements should focus on essentials. By dwelling on irrelevant matters, essentials should not be missed.

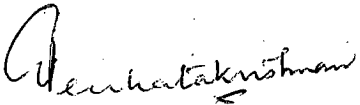
3. In the circumstances, we are constrained to hold that the emoluments of applicant were reduced from Rs.1010/- to Rs.940/- without his consent and without any disclosed basis in

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law. We direct respondents to grant the same emoluments preceeding the transfer, immediately on transfer and also consequential benefits.

4. Original Application is allowed. Parties will suffer their costs.

Dated the 15th July, 1996


PV VENKATAKRISHNAN
ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

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