

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

OA No. 338 of 1999

&

OA No. 351 of 1999

Monday, this the 6th day of August, 2001

CORAM

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

OA No. 338 of 1999:

1. M. Manikandan.  
S/o late K. Sreedharan Nair,  
Section Engineer (Designs/Electrical),  
Southern Railway, Office of the  
Deputy Chief Engineer,  
Railway Electrification, Trichur  
Residing at: "Rasmi",  
Kizhakkumpattukara, Trichur-5

....Applicant

[By Advocate Mr. T.C. Govindaswamy]

Versus

1. Union of India, represented by the  
Secretary to Government of India,  
Ministry of Railways, Rail Bhavan, New Delhi.
2. The Chief Personnel Officer,  
Southern Railway, Headquarters Office,  
Park Town PO, Madras-3
3. The Chief Project Manager,  
Railway Electrification,  
Egmore, Chennai-8
4. The Deputy Chief Engineer,  
Railway Electrification,  
Southern Railway, Trichur

....Respondents

[By Advocate Mrs Sumathi Dandapani]

OA No. 351 of 1999:

1. T.B. Sagayaraj,  
S/o Thiruthura Das,  
Section Engineer, Railway Electrification,  
Trichur, Permanent Address: No.156,  
K.K. Nagar, I Street,  
Poddanur, Tamil Nadu.

.....Applicant

[By Advocate Mr. T.C. Govindaswamy]

Versus

1. Union of India represented by the  
General Manager, Central Railway, Bombay V.T.

..2..

2. The Chief Project Manager.  
Railway Electrification,  
Madras Egmore, Madras.
  3. The Deputy Chief Electrical Engineer,  
Railway Electrification, Trichur
- .....Respondents

[By Advocate Mrs Sumathi Dandapani]

The applications having been heard on 6-8-2001, the  
Tribunal on the same day delivered the following:

O R D E R

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

Applicants seek the following reliefs:

- "(a) Call for the records leading to the issue of  
Annexure A1 and quash the same.
- (b) Award costs of and incidental to this  
application.
- (c) Pass such other orders or direction as deemed  
just, fit and necessary in the facts and  
circumstances of the case."

2. Since the question involved is the same in both these  
OAs, both these OAs were heard together and are disposed of by  
a common order.

3. The first ground in both these OAs is that there is  
violation of the principles of natural justice. The violation  
of the principles of natural justice, according to applicants,  
is for the reason that no pre-decisional notice was given to  
them.

4. The learned counsel for respondents in both these OAs  
submitted that since no pre-decisional notice was given to the  
applicants in these OAs, respondents are ready to give the  
applicants pre-decisional notice and an opportunity of being  
heard.

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5. Accordingly, the impugned orders A1 in both these OAs are quashed. Respondents are at liberty to proceed afresh in this matter, if they so choose, in accordance with law after issuing pre-decisional notice to the applicants and affording an opportunity of being heard.

6. The learned counsel for the applicant in OA No. 338/99 submitted that on the basis of A1, reduction in pay was made for one month, i.e. for the month of February, 1999, and the respondents may be directed to restore the pay. Once A1, the impugned order, is quashed, it necessarily follows that the applicant is entitled to the consequential benefits flowing from that.

7. Original Applications are disposed of as above. No costs.

Monday, this the 6th day of August, 2001

Sd/-  
(G.RAMAKRISHNAN)  
ADMINISTRATIVE MEMBER

Sd/-  
(A.M.SIVADAS)  
JUDICIAL MEMBER

ak.

List of Annexure referred to in this order:

1. A1 in OA 338/99 True copy of Office Order No. 02/RE/99 dated 11-1-1999 issued by the 3rd respondent.
2. A1 in OA 351/99 True copy of Office Order No. 03/RF/99 dated 11-1-1999 issued by the 2nd respondent.