

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH: BANGALORE

DATED THIS THE SEVENTEENTH SEPTEMBER, 1987

Present: Hon'ble Justice Sri K.S. Puttaswamy ... Vice Chairman  
Hon'ble Sri L.H.A. Rego ... Member (A)

APPLICATION NO. 1307/86

K.L. Chugh  
Major  
Senior Scientific Officer  
Grade I, C.I.L.,  
Bangalore.

(Sri B.V. Jigjinni ... Advocate)

... Applicant

Vs.

1. The Union of India  
by its Secretary  
Ministry of Defence  
New Delhi.

2. The Controller of Defence  
Accounts,  
Kamaraj Road  
Bangalore.

3. The Controller of Inspection  
Electronics  
Bangalore-6.

(Sri M.S. Padmarajaiah ... Advocate)

... Respondents

This application has come up for hearing  
before this Tribunal today, Hon'ble Justice Sri K.S.  
Puttaswamy, Vice Chairman, made the following:

O R D E R

Case Called, on more than one occasion.  
On every occasion, the applicant and his learned counsel  
are absent. We have perused the records and heard Shri  
M.S. Padmarajaiah, learned Senior C.G.S.C., appearing for  
the respondents.

2. This is a transferred application and is received from the High Court of Karnataka under section 29 of the Administrative Tribunal Act, 1985 (Act).

3. On his selection by the Union Public Service Commission, as a Senior Scientific Officer, Gr.I, (SSO), Government appointed the applicant to the said post from 30.8.1982 in the Office of the Controllerate of Inspection Electronics, under the Ministry of Defence, Bangalore ('CIL'). On his appointment in the CIL, the pay of the applicant was fixed at Rs 1500/- w.e.f. 30.8.1982 in the time-scale of Rs 1100-50-1600. With this fixation of pay, the applicant had no grievance.

4. But respondent No.3, acting on the directions of respondent No.2, in October 1982, refixed the pay of the applicant from 30.8.1982 at Rs 1400/- instead of Rs 1500/-. On that refixation, the applicant made representation to the Controller, CIL, who by his letter dated 8.10.1983, had rejected the same (Annexure-F).

5. On 6.6.1984, the applicant approached the High Court in W.P. No.9245/84 challenging the refixation which on transfer has been registered as Application No. 1307 of 1986.

6. Among other grounds, the applicant had urged that the refixation resulting in reduction of pay was made by the authorities without issuing him a show cause notice and affording him an opportunity to state

his case in conformity with the principles of natural justice. In their reply, the respondents, without disputing the correctness of this assertion, have sought to justify the refixation on diverse grounds.

7. We have earlier noticed that the assertion of the applicant that the refixation of pay, that too resulting in reduction, had been made by the authorities without issuing him a show cause notice and affording him an opportunity to state his case had not been denied by the respondents. We must therefore examine the grievance of the applicant on that basis.

8. Shri Padmarajaiah, however sought to justify the reduction on the ground that the fixation of pay made from 30.8.1982 at Rs 1500/- was itself erroneous, and that error had only been rectified in October 1983 and that at no time the applicant had been allowed to draw the pay fixed at Rs 1500/-.

9. We are of the view that the refixation made by the authorities, that too, which results in reduction of pay already fixed, could not have been done by them without issuing a show cause notice and affording an opportunity to the applicant to state his case in support of the same, and make a speaking order in conformity with the principles of natural justice. This position is now so well settled

that it does not require any reference to decided cases at all. Without any doubt, the later order made by the authorities is in contravention of the principles of natural justice and is therefore liable to be quashed. We, therefore, quash the later refixation of pay of the applicant. But this does not prevent the authorities from refixing the pay of the applicant on issuing him a show cause notice, considering the reply to be filed, by him against the same and making a speaking order thereto in accordance and the observations made in this order.

10. Application is disposed of in the above terms. But in the circumstances of the case, we direct the parties to bear their own costs.

*M.S. Bhambhani*  
VICE CHAIRMAN  
7/10/87

*O. S. H.*  
02.10.87  
MEMBER (A)

mr.

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
@ @ @ @ @ @ @ @ @ @ @ @

Commercial Complex (BDA),  
Indiranagar,  
Bangalore - 560 038

Dated : 25-9-87

APPLICATION NO 1307 / 86(T)

W.P. NO 9245 / 84

Applicant

Shri K.L. Chugh v/s The Secy, M/o Defence & 2 Ors

To

1. Shri K.L. Chugh  
Senior Scientific Officer Grade I  
Controller of Inspection Electronics (CIL)  
Bangalore

2. Shri B.V. Jigjinni  
Advocate  
14, N.S. Iyengar Street  
Seshadripuram  
Bangalore - 560 020

3. The Secretary  
Ministry of Defence  
New Delhi - 110 011

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER ~~XXXXXX~~  
~~XXXXXX~~ ORDER passed by this Tribunal in the above said  
application on 17-9-87.

Encl : as above

RECEIVED copy 28/9/87

*R.V. Chundekar*  
DEPUTY REGISTRAR  
~~XXXXXX~~  
(JUDICIAL)

Diary No. 1199 | CR | 87

Issue Date: 27.1.87

*o/c*

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Sd/-

VICE CHAIRMAN

17/1/87

Sd/-

MEMBER (A)

17/1/87

-True Copy-

mr.

B. Venkatesh Rao  
DEPUTY REGISTRAR  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
BANGALORE

23/9/87