

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A. NO: 567/92

199

T.A. NO: _____

DATE OF DECISION 10-8-1992

V.C.Narasimhulu Petitioner

Mr.A.I.Bhatkar Advocate for the Petitioners

Versus

Union of India Respondent

Mr.R.K.Shetty Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. Justice S.K.Dhaon, Vice-Chairman

The Hon'ble Mr. M.Y.Priolkar, Member(A)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

mbm* MD

Say
(S.K.DHAON)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A.567/92

V.C.Narasimhulu,
C/o.A.I.Bhatkar,
Advocate,
R.No.13,
Mohammad Husain Chawl No.4,
Opp.Antop Hill Post Office,
Shaikh Mistry Road,
Antop Hill, Wadala(East),
Bombay - 400 037. Applicant

vs.

1. Union of India
through
The Secretary,
Ministry of Defence,
South Block,
New Delhi.
2. The Chief Engineer,
Southern Command,
Pune - 1.
3. The Commander Works
Engineers(Suburbs),
Powai,
Bhandup,
Bombay - 400 078.
4. The Chief Engineer,
Hyderabad Zone,
Secunderabad 500 003.
5. Controller of Defence
Accounts,
Southern Command,
Pune - 1. Respondents

Coram: Hon'ble Shri Justice S.K.Dhaon,
Vice-Chairman.

Hon'ble Shri M.Y.Priolkar, Member(A)

Appearances:

1. Mr.A.I.Bhatkar
Advocate for the
Applicant.
2. Mr.R.K.Shetty
Advocate for the
Respondents.

ORAL JUDGMENT: Date: 10-8-1992
(Per S.K.Dhaon, Vice-Chairman)

On 26th July,1982 the pay of the applicant was fixed at Rs.780/- in the scale of Rs.550-25-750-900. On 1st January,1986 the applicant's pay was fixed on RPR-86 @ Rs.2600/- in the scale of Rs.1640-60-2600-EB-75-2900.

On 30th March'92 an order was passed fixing

the pay of the applicant w.e.f. 1st. January 1986. By this order his pay was fixed at Rs.2300/- in the scale of Rs.1640-60-2600-EB-75-2900. The note appended ~~there~~ immediately thereafter is relevant and may be extracted:

"The date of increment has been postponed as the individual was absent from duty w.e.f 26.2.1981 to 19.12.1985 and reported to duty only on 20 December, 1985."

2. It is averred categorically in the application that no opportunity whatsoever was given to the applicant before the order dt.30th March, 1992 was passed whereby his pay was reduced and refixed w.e.f. 1st January, 1986. In the reply filed the fact that the applicant was not offered any opportunity of hearing has not been denied. However, it is averred that the applicant was given a higher scale due to some error. It is also asserted that the applicant practised fraud on the authorities concerned in securing a higher grade. We are not called upon to go into the allegation of fraud or mistake at this stage.

3. In view of the note appended to the order of reducing the pay scale of the applicant, as extracted above, it is clear that the deduction in the pay scale has taken place on account of an imputation against the applicant. The applicant was, therefore, entitled to be given atleast an opportunity of hearing before any order adverse to his interest ^{could} ~~has been~~ passed. It is apparent that the applicant has suffered a pecuniary loss on account of impugned order.

3. Failure of the respondents to afford an opportunity to the applicant

in the facts and circumstances of the instant case is fatal. The application is allowed. The impugned order is quashed. There shall be no order as to costs.

M.Y.PRIOLKAR
(M.Y.PRIOLKAR)
Member(A)

S.K.DHAON
(S.K.DHAON)
V.C.

MD