

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE - 560 038.

Dated: **20 JUN 1995**

APPLICATION NO. 2089 of 1994.

APPLICANTS: Smt.D.Lalitha,
V/S.

RESPONDENTS: Secretary, Department of Supply,
New Delhi and others.,

To

1. Sri.S.K.Mohiyuddin, Advocate, No.11,
Jeevan Buildings, Kumarapark East,
Bangalore-560 001.
2. Sri.M.Vasudeva Rao, Additional Central
Govt.Stng.Counsel, High Court Bldg,
Bangalore-560001.

Subject:- Forwarding copies of the Orders passed by the
Central Administrative Tribunal, Bangalore-38.

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Please find enclosed herewith a copy of the Order/
Stay Order/Interim Order, passed by this Tribunal in the above
mentioned application(s) on Seventh June, 1995.

Issued on
20/06/95

[Signature]

gm*

9/c

for

[Signature]
DEPUTY REGISTRAR
JUDICIAL BRANCHES.

BANGALORE

2. Heard Shri S.K. Mohiyuddin for the applicant and Shri M.V. Rao for the respondents. The applicant is a widow of Shri R. Shankaralingam, who unfortunately passed away on 18.12.93 while serving as Assistant Inspecting Officer in the department of Supplies and Disposals. On his promotion as Assistant Inspecting Officer his pay was fixed on 29.9.84 at Rs.810/- in the pre-revised scale and he was allowed to draw increment in 1985. With the introduction of revised scale from 1.1.86 his pay was fixed correspondingly in the revised scale. Subsequently, in November 1989, the department took the view that his pay fixation was wrongly done and revised the pay bringing down from 29.9.84 not only in the case of applicant's husband but also in respect of two others namely, S/Shri V.S. Raman and K.N. Nagaraj. S/Shri V.S. Raman & K.N. Nagaraj and also Shri Shankaralingam, husband of the applicant had represented to the department against such reduction on 27.11.89 as at Annexure A-9 which was rejected by the department vide their order dated 7.1.90 as at Annexure A-10. Shri Shanakaralingam's representation which was forwarded by the Director of Inspection in January 93 was also rejected by the department on 18.3.93 as at Annexure A-15. A sum of over Rs. 10,000/- was recovered. The reduction of the pay also had affected the ^{death cum retirement} benefits admissible to the applicant on the death of Shri Shankaralingam. Aggrieved by this action of the department, the widow of Shri Shankaralingam has filed this application.

3. After hearing Shri S.K. Mohiyuddin and Shri M.V. Rao, I find that identical cases had been considered by the Tribunal in respect of Shri V.S. Raman in OA 763/91 and Shri K.N. Nagaraj in

OA 1107/94. In OA 763/91 the Tribunal came to the finding that the action of the department could not be sustained as no show cause notice was given to the applicant and this had resulted in violation of principles of natural justice. The Tribunal had allowed the application but gave liberty to the department to proceed afresh in the matter after complying with the requirement of law and affording reasonable opportunity to the applicant to show cause in their proposed action. In the case of Shri K.N. Nagaraj in OA 1107/94 the Tribunal had quashed the orders of the department and directed that the amount due to the applicant as per ¹⁷ ~~commutation~~ of original fixation including the amount recovered should be paid to him within three months. Shri M.V. Rao for the department tells us that in OA 763/91 the department did not take any further action to proceed afresh for recovery in respect of Shri Raman but had refunded to him, whatever was recovered from him. The same is the position in respect of Shri K.N. Nagaraj.

4. Following the decisions of the Tribunal in OA 763/91 and OA 1107/94 referred to supra and taking into account the fact that the department had refunded the amount recovered from the applicants in those OAs without taking any further action such as issue of show cause notice etc., I direct the department to deal with the case of Shri R. Shankaralingam in the same manner as in other two cases. I accordingly quash the communication dated 7.11.89, as at Annexure A-6 and as at Annexures A-7 and A-8 and direct that whatever amount has been recovered should be refunded to the applicant within three months from the date of receipt of

a copy of this order. The benefits available to the applicant on the death of her husband such as DCRG, family pension etc. will also be recalculated on the basis of the pay fixed earlier and not on the reduced pay. This exercise will also be completed within three months from the date of receipt of a copy of this order. No costs.

Sd/-

(V. RAMAKRISHNAN)
MEMBER (A)

TCV



TRUE COPY

[Signature]
Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore