

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Dated: **23 DEC 1994**

APPLICATION NO: 994 of 1994 and 1165 of 1994.

APPLICANTS:- Sri.T.S.Naik, and K.G.Narayana Bhat, Karwar.,
V/S.

RESPONDENTS:- District Manager, Telecom, Karwar, and others.,

To.

1. Sri.M.B.Nargund, Advocate,
No.799, Third Main Road,
Fourth Block, Rajajinagar,
Bangalore-560 010.
2. Sri.M.Vasudeva Rao,
Addl. Central Govt. Stng. Counsel,
High Court Bldg, Bangalore-1.

Subject:- Forwarding of copies of the Orders passed by the
Central Administrative Tribunal, Bangalore.
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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 15-12-1994.

Issued on
23/12/94

g/c for *[Signature]*
DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

ORIGINAL APPLICATION Nos.994/94 & 1165/94

THURSDAY, THIS THE 15TH DAY OF DECEMBER, 1994

SHRI JUSTICE P.K. SHYAMSUNDAR .. VICE CHAIRMAN

1. Sri T.S. Naik,
S/o S.P. Naik,
aged 58 years,
Telephone Operating Asst.(P)
Grade III (Telephone Supervisor),
Office of the Trunk Exchange at Karwar,
Karwar - 581 301.
2. Sri K.G. Narayana Bhat,
51 years,
Chief Technical Supervisor,
Office of the Telephone Exchange at Karwar,
Karwar - 581 301. ... Applicants

(By Advocate Shri M.B. Nargund)

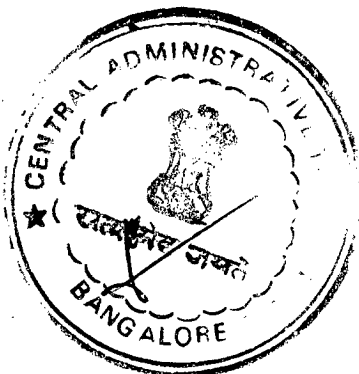
Vs.

1. Telecom District Manager, Karwar,
at Karwar - 581 301.
2. The Chief General Manager,
Department of Telecommunication,
Karnataka Circle, Ulsoor,
Bangalore - 560 008.
3. Union of India by the Secretary,
Department of Telecommunications,
Sanchar Bhavan, New Delhi. ... Respondents

(By Advocate Shri M. Vasudeva Rao,
Addl. Central Govt. Stg. Counsel)

ORDER

Heard both sides. It transpires the two applicants herein were in receipt of a higher pay scale following voluntary conferment of such benefit to the applicants by the department, upon receipt of the options exercised by them expressing their willingness to join the revised pay fixation scheme under the 4th Pay Commission. After all this and after having received their options for drawing the higher pay and after having granted



them the benefit of higher salary, the respondent administration has now back tracked and withdrawn the higher pay scale vide orders at Annexure-A7 and A8. The orders do not reveal the reasons for withdrawal of the benefit granted besides appear to be suo-motu in character.

2. The manner in which the applicants' emoluments have been tinkered as aforesaid is wholly unsatisfactory. The least the department should have done is to put the applicants on guard by calling upon them to show cause as to why the benefit granted earlier should not be withdrawn. While, it is an axiomatic principle that every authority can rectify its own mistakes resulting however in conferring a benefit on somebody else, but, in this case, there is nothing to demonstrate why the higher pay scale packet was withdrawn from the applicants'. The impugned orders which are wholly cryptic in character do not speak at all. Therefore, it seems appropriate for me to quash the impugned orders at Annexures A-7 and A-8. The department, if it desires to pursue this matter further, can do so only after issuing of a show cause notice and on receiving a representation from the applicants. In the result, this application succeeds. The impugned order to the extent indicated above is quashed. No costs.



sd/-
(P.K.SHYAMSUNDAR)
VICE CHAIRMAN