

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

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

Dated: 23 DEC 1994

APPLICATION NO: 1089 of 1994.

APPLICANTS:- Sri.K.Hanumantha,  
V/S.

RESPONDENTS:- The Director General,CSIR,New Delhi and  
two Others.,

I.

1. Sri.K.Hanumantha, Son of Sri.H.Kariyappa,  
Private Secretary,National Aerospace Laboratories.,  
Bangalore-560 017.
2. The Joint Secretary(Administration),  
Council of Scientific & Industrial Research,  
Anusandhan Bhavan,Rafi Marg,New Delhi-110001.
3. Sri.M.Vasudeva Rao,Addl.C.G.S.C.,  
High Court Bldg,Bangalore-1.

Subject:- Forwarding of copies of the Order 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 13-12-1994.

Issued on

23/12/94

07

  
for DEPUTY REGISTRAR  
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

O.A. No.1089/94

TUESDAY THIS THE THIRTEENTH DAY OF DECEMBER 1994

Shri Justice P.K. Shyamsundar ... Vice-Chairman

K. Hanumantha,  
S/o H. Kariyappa,  
Private Secretary,  
National Aerospace Laboratories,  
Bangalore - 560 017.

... Applicant

v.

1. Director-General,  
Council of Scientific &  
Industrial Research,  
Anusandhan Bhavan,  
Rafi Marg,  
New Delhi.
2. The Joint Secretary [Admn.],  
Council of Scientific &  
Industrial Research,  
Anusandhan Bhavan, Rafi Marg,  
New Delhi.
3. The Director,  
National Aerospace Laboratories,  
[Erstwhile National Aero-  
nautical Laboratory],  
Kodihalli, Bangalore.

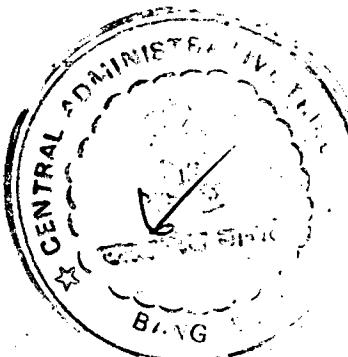
... Respondents

[By Advocate Shri M. Vasudeva Rao ...  
Addl. Standing Counsel for Central Government]

O R D E R

Shri Justice P.K. Shyamsundar, Vice-Chairman:

1. The applicant who is working as Private Secretary in the National Aeronautical Laboratory in the pay scale of Rs.2000-3500 upon discovering that one of his junior viz., Smt. Meera Krishna who was also a Private Secretary like him elsewhere was getting a higher pay brought this anomaly to the attention of



the authorities and was successful in getting an order placing his pay at par with his junior Smt. Meera Krishna vide Annexure A-9.

2. For nearly three years he had the benefit of the higher pay scale and at that stage he had ordinarily presumed that the higher pay pocket was no longer in any peril and was not likely to be lessened. But he received at that stage a communication from the Department as in Annexure A-13 dated 3.11.1992 suggesting that the pay fixation was erroneous and the Department would refix the pay without reference to the comparable scale given to Smt. Meera Krishna. A show cause notice having been issued by the Department calling upon the applicant to show cause why the department should not backtrack the pay scale and send him back to the original pay scale the applicant joined in and made a representation. The department on a purported consideration of the representation has now passed a very cryptic order at Annexure A-32 which reads --

"With reference to your letter No.AII/11763-[Vol.III]/S.III dated 8.2.94 on the above subject, I am directed to state that the request of Sh K.Hanumantha, SPA has again been considered carefully but it is regretted it is not possible to agree to his request.

Sh Hanumantha, SPA, may be informed accordingly."

I am afraid the above order which is impugned herein does not satisfy the requirements of judicial standards particularly when one seeks to affect the emoluments

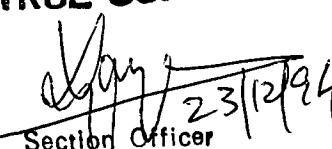
of an official that brings about civil consequences is required to be replete with reasons and non-furnishing of reasons is indeed a ground for successfully impugning such an order. The order extracted above suffers from the deficiency of being totally myopic and does not give any basis or reasons for discarding the representation made by the applicant urging the department not to take away the higher pay scale granted to him. Therefore, it is I am compelled to interfere and hence quash the order Annexure A-32 dated 17.2.1994 and direct the department to take up and consider the representation of the applicant against <sup>move</sup> the/ for withdrawing the higher pay granted to him, in an objective fashion and to dispose of the same by giving clear and cogent reasons. The matter will now go back to the 2nd respondent for passing a proper order as indicated above. In case the applicant still feels dissatisfied with the order so made it is open to him to seek ~~for~~ <sup>Further</sup> the redress in that behalf. No costs.

Sd/-

VICE CHAIRMAN

TRUE COPY

bsv

  
23/12/94  
Section Officer

Central Administrative Tribunal  
Bangalore Bench  
Bangalore