

CENTRAL ADMINISTRATIVE TRIBUNAL MUMBAI BENCH

D.A. No. 398/97

this the 13th day of December, 2001.

HON'BLE MR.S.R.ADIGE VICE CHAIRMAN(A).

HON'BLE MR.S.L.JAIN, MEMBER(J)

Dr. Pratap Kumar Mishra,
M.Sc.Ph.D.,

Lecturer in Physics,

Department of Physics,
Govt. College, Daman,
Pin Code- 396 210.

....Applicant.

(By Advocate: Shri I.J.Naik)

Versus

1. Union of India
through
the Secretary,
Ministry of Home Affairs,
Central Secretariat, North Block,
New Delhi.

2. The Administrator of U.T.
of Daman & Diu,
Administrator's Secretariat,
P.O. Moti Daman- 396 220.

3. The Development,
Commissioner & Chairman
of the DPC for Class-I posts,
Secretariat,
P.O. Moti Daman

....Respondents.

(By Advocate: Shri R.K.Shetty)

ORDER (ORAL)

S.R.Adige, VC(A):

Heard both sides.

2. We notice that by respondents' order dated 30.8.96
(Annexure-2) applicant had been granted the selection
grade of Rs. 3700-5700, with effect from 1.1.86. Thereafter
by subsequent order dated 4.11.91, he was granted the

aforesaid selection grade of Rs. 2200-4000 w.e.f. 17.8.86 and thus in other words, this subsequent order was to his monetary disadvantage resulting in civil consequences.

2. Applicant represented against the same with the result that he was again restored to the grade of Rs. 3700-5700 w.e.f. 1.1.86, but subsequently by impugned order dated 11.10.96, he has again been placed in the selection grade of Rs. 3700-5700 w.e.f. 17.8.86 which is again to his monetary disadvantage resulting in civil consequences.

3. Nothing has been shown to us to establish that the aforesaid order dated 11.10.96 by which applicant's placement in the selection grade of Rs. 3700-5700 w.e.f. 17.8.86 instead of from 1.1.86 was ordered, after putting him to notice.

4. It is well settled by rulings of Hon'ble Apex Court that any decision entailing severe consequences, should be taken only after putting the employee concerned to notice and giving him an opportunity to represent.

5. As nothing has been shown to us to establish that the impugned order dated 11.10.96 (Annexure-A1) was passed after putting the applicant to notice, the aforesaid impugned order dated 11.10.96 is quashed and set aside, giving liberty to respondents, that in the event they seek to revise the date of applicant's placement in the selection grade, they shall do so after putting him

to notice and in accordance with law.

6. The OA succeeds and is allowed to the extent
stated above. No costs.

S.L.JAIN
(S.L.JAIN)
MEMBER(J)

S.R.ADIGE
(S.R.ADIGE)
VICE CHAIRMAN(A)

/usha/