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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: AT
HYDERABAD.

C.A. NO. 77/93.

DATE OF JUDGMENT: 20-07-95.

BETWEEN:

1. D. Dhana Koteswararao
2. P. V. Sairam
3. V. Rangareddy

.. Applicants.

AND

1. Chief Personnel Officer,
SC Rly, Rail Nilayam,
Secunderabad.
2. Chief Electrical Engineer,
VII Floor, Rail Nilayam,
SC Rly, Secunderabad.

.. Respondents.

COUNSEL FOR THE APPLICANT: SHRI S. Lakshma Reddy

COUNSEL FOR THE RESPONDENTS: SHRI J. R. Gopala Rao,
Sr/Addl. CGSC.

CORAM:

HON'BLE SHRI JUSTICE V. NEELADRI RAO, VICE CHAIRMAN
HON'BLE SHRI R. RANGARAJAN, MEMBER (ADMN.)

..2

O.A.NO.77/93.

JUDGMENT

Dt: 20.7.95

(AS PER HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN)

Heard Shri S.Lakshma Reddy, learned counsel for the applicants and Shri J.R.Gopala Rao, learned standing counsel for the respondents.

2. All these three applicants were selected as Apprentice Senior Draughtsmen (Electrical) in 1983. By then, they were working as Junior Draughtsmen in some other departments in the Railways. On completion of the training, the applicants were regularly appointed as Senior Draughtsmen in 1985-86. The pay scale for the Senior Draughtsman as per the 3rd Pay Commission was Rs.425-700. The pay of these three applicants on regular appointment as Senior Draughtsmen was fixed at Rs.455/- by giving two increments instead of at Rs.425/-, as per the letter No.P(SB0563/Signal/Vol.IV, of -12-83 of CPO/SC. The impugned proceedings No.P/EL/481/DO, dated 15.12.1992 were issued by alleging that the two increments were erroneously given to the applicants at the time of appointment as Senior Draughtsmen, and hence their pay was refixed downward in the category of Senior Draughtsmen and Head Draughtsmen.

3. One of the main contention for the applicants is that the impugned proceeding is vitiated as there is an infirmity in not issuing a show cause notice

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contd....

To

1. The Chief Personnel Officer,
S.C.Railway, Railnilayam, Secunderabad
2. The Chief Electrical Engineer, VII Fl^{or},
Railnilayam, S.C.Rly, Secunderabad.
3. One copy to Mr.S.Lakshma Reddy, Advocate, CAT.Hyd.
4. One copy to Mr.J.R.Gopal Rao, SC for Rlys, CAT.Hyd.
5. One copy to Library, CAT.Hyd.
6. One spare copy.

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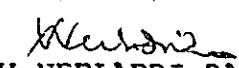
before down-grading the pay of the applicants. The judgment of the Apex Court in AIR 1994 SC 2480 (Bhagwan Shukla Vs. Union of India) is relied in support of the said contention.

4. It is conceded for the respondents that no show-cause notice was issued before the impugned order is passed. On this ground alone, the impugned order is liable to be set-aside.

5. But this order shall not debar the respondents to issue appropriate proceedings after issual of a show cause notice and after considering explanation, if any, to be submitted for the applicant.

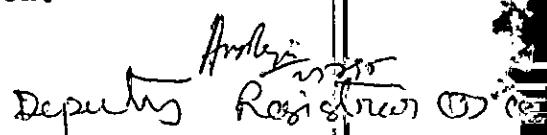
6. In the result, the impugned proceeding dated 15.12.1992 is set-aside. The respondents are free to pass appropriate order after giving a show cause notice in regard to the alleged erroneous grant of two increments at the time of appointment of the applicants as Senior Draughtsmen ^(and) after considering the explanation, if it is going to be submitted. No costs. The OA is ordered accordingly.//


(R. RANGARAJAN)
MEMBER (ADMN.)


(V. NEELADRI RAO)
VICE CHAIRMAN

DATED: 20th July, 1995.
Open court dictation.

vsn


Deputy Registrar

THPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR.JUSTICE V.NEELADRI RAO
VICE CHAIRMAN

A N D

THE HON'BLE MR.R.RANGARAJAN: (M(ADMIN)

DATED 20/7 1995.

ORDER/JUDGMENT:

M.A./R.A./C.A.No.

in

OA.No.

77/93

TA.No.

(W.P.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No order as to costs.

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