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O.A. No. 195/93

Date of decision: 15.3.94

BHAGWATI PRASAD SHARMA - Applicant.

VERSUS

UNION OF INDIA & ORS - Respondents.

Mr. R.N. Mathur : Counsel for the applicant

Mr. Manish Bhandari : Counsel for the respondents.

CORAM:

Hon'ble Mr. D.L. Mehta, Vice-Chairman

PER HON'BLE MR. JUSTICE D.L. MEHTA, VICE-CHAIRMAN:

Heard the learned counsel for the parties. Perused Annexure A-1.

2. The salary of the applicant who is a retired person was reduced from Rs. 2900/- to Rs. 2825/-. This reduction was done without giving an opportunity of hearing and particularly after retirement. The Pension Payment Order has also been issued taking into consideration the reduction in salary.


3. The respondents cannot reduce the salary of a person who has retired without giving an opportunity of hearing and this reduction adversely affects the applicant in two ways - firstly, in the matter of salary and secondly, in the matter of fixation of pension.

4. In the facts and circumstances, the order (Annexure A-1) is set aside and the P.P.O. (Annexure A-2) is also set aside. The salary of the applicant should be considered as Rs. 2900/- for the time being and the revised P.P.O. should be issued. The respondents will be at liberty to pass earlier order in the matter of reduction of salary after giving him an opportunity of hearing. In case, a fresh order on reduction of salary is passed, then the PPO shall be revised and the excess payment, if any made, can be recovered by the respondents from the applicant.

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5. The respondents are directed to give an hearing to the applicant as soon as practicable. In case, the reduction in the salary is made, the applicant will be at liberty to file a fresh application.

6. The O.A. stands disposed of accordingly, with no order as to costs.

  
( D.L. MEHTA )  
Vice-Chairman