

THE CENTRAL ADMINISTRATIVE TRIBUNAL

JAIPUR BENCH, JAIPUR

ORDER SHEET


APPLICATION NO.: _____

Applicant (s) Dr. Nisha

Respondent (s) UDJ

Advocate for Applicant (s)

Advocate for Respondent (s)

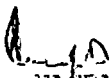
NOTES OF THE REGISTRY	ORDER OF THE TRIBUNAL
<p>24/3/02</p> <p>17-4-2003</p>	<p>DA 10/2/02</p> <p>Mr. C. B. Sharma, Counsel for applicant.</p> <p>Mr. N. C. Goyal, Counsel for respondents.</p> <p>It is a D.B. matter. Let the matter be listed for hearing on 17/4/02.</p> <p>Interim order to continue till the next date.</p> <p style="text-align: right;">  M. L. CHAUHAN MEMBER (JUDICIAL) </p> <p>Mr. C. B. Sharma counsel for the applicant. Mr. N. C. Goyal counsel for the respondents.</p> <p>The applicant had worked as Accountant in the year 1983. The post carried special pay. It is averred that the pay of the applicant was rightly fixed, keeping in view the special pay, but the respondents on the basis of audit held on 18.09.2001 intended to make recovery from his salary. It is averred that before effecting recovery, the applicant was not given show cause notice and the principles of natural justice have been violated. It is prayed that the respondents be directed not to reduce the pay of the applicant and not to recover any amount.</p> <p>2. In the counter, the respondents' case is that in the year 1983, the pay of the applicant was wrongly fixed and the respondents have a right to correct the mistake.</p> <p>3. We have heard the learned counsel for the parties and perused the documents placed on record.</p> <p>4. It is not in dispute that before reducing the pay and effecting recovery from the salary of the applicant, no show cause notice was given to him. When the pay of an employee is sought to be reduced after number of years, it is desirable that the employer takes that action after issuing show cause notice to the employee. In the instant case, admittedly such principles of natural justice had not been followed. The recovery of the amount and reduction of pay under the audit note Annexure A-1 cannot be allowed to stand.</p> <p>5. Consequently, the respondents are directed not to reduce the pay of the applicant and not to make recovery from the salary on the basis of the audit note at Annexure A-1. This order,</p>

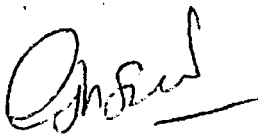
NOTES OF THE REGISTRY

ORDER OF THE TRIBUNAL

however, will not prevent the respondents from passing appropriate order after following the principles of natural justice.

6. No order as to costs.


(A. P. NAGRATH)
MEMBER (A)


(G. L. GUPTA)
VICE CHAIRMAN

copy given
vide 701/55
dt 24/4/23