

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A.No.135/98

Date of order: 16.11.2000

Dr.Ashok Kumar Sharma, S/o Shri Bansidhar Sharma, R/o Plot No.45,
Near Azad Public School, Ramnagar, Sodala, Jaipur.

...Applicant.

Vs.

1. Union of India through the Secretary to the Govt of India, Deptt of Posts, Dak Bhawan, Sansad Marg, New Delhi.
2. The Chief Post Master General, Rajasthan Circle, Jaipur-7.

...Respondents

Mr.P.N.Jati - Counsel for Applicant.

Mr.K.N.Shrimal - Counsel for respondents.

CORAM:

Hon'ble Mr.S.K.Agarwal, Judicial Member

Hon'ble Mr.Gopal Singh, Administrative Member.

PER HON'BLE MR.GOPAL SINGH, ADMINISTRATIVE MEMBER.

In this O.A the applicant Dr.Ashok Kumar Sharma, has prayed for a direction to the respondents to pay the remuneration/wages to the applicant as per the revised pay scales of the Fifth Pay Commission with effect from 1st January, 1996 and they be directed to pay the applicant Rs.5357/- upto July 1997 and Rs.8862/- upto November 1997 as per the actual working days totalling to Rs.14219/- alongwith interest @ 18% per annum.

2. The applicant's case is that he was engaged from time to time to work as Medical Officer according to the old terms & conditions of the IVth Pay Commission. He has been paid salary upto July 1997 in the basic Rs.2000/- in the scale of Rs.2000-3200 plus admissible allowances. But from August 1997, the remuneration of the applicant were changed to Rs.3000/- per month (fixed). The changed remuneration has been effected by the respondents arbitrarily. Representation submitted by the applicant has evoked no response, hence this application.

3. In the counter, it has been stated by the respondents that it was

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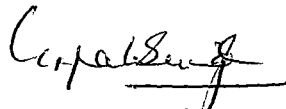
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a mistake on their part to have allowed the pay scale of Rs.2000-3200 plus allowances to the applicant but in terms of the circular dated 17.9.92, the applicant was only entitled to a fixed pay of Rs.3000/- without any other allowances. It has, therefore been averred by the respondents that the application is devoid of any merit and deserves dismissal.


4. We have heard the learned counsel for the parties and perused record of the case.

5. Admittedly, the applicant has been paid in the scale Rs.2000-3200 upto the month of July 1997 however, his wages had been reduced to Rs.3000/- fixed with no other allowances for the month of August 1997 onwards vide letter dated 12.12.97 (Annx.A8). The circular dated 17.9.92 was never brought to the notice of the applicant. In the circumstances, we are of the opinion that wages of the applicant cannot be reduced without giving him show cause notice. We are also told that the applicant is now no longer in the service of the respondents. In the light of above discussions, we are firmly of the view that the applicant is entitled to receive his wages in the scale of Rs.2000-3200 plus all other allowances as was being paid to him till July 1997. Accordingly we pass the order as under:

- i) The O.A is allowed.
- ii) The respondents are directed to pay the wages to the applicant in the scale Rs.2000-3200 plus other allowances as was being paid to him till July 1997, within three months from the date of issue of this order.
- iii) Parties are left their own costs.


(Gopal Singh)

Member (A)


(S.K. Agarwal)

Member (J).