

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH : JAIPUR

Original Application No.236/2003.

with

Miscellaneous Application No.240/2003.

this the 22nd day of December 2004.

Shri M. P. Singh, Vice Chairman.
Shri M. L. Chauhan, Judicial Member.

Daglu S/o Shri Dhanna, aged 58 years, Retired Trolley
Man, Code No.0802, R/o Indira Colony, Nadi Mendratak,
Aligarh Tehsil Beawar District Ajmer.

By Advocate Shri G. P. Kaushik.

... Applicant.

v e r s u s

1. General manager, North Western Railway, Jaipur.
2. Divisional Railway Manager, North West Railway, Ajmer.
3. Accounts Officer, Rail Mandal, North Western Railway, Ajmer.

... Respondents.

By Advocate Shri R. G. Gupta.

: O R D E R : (oral) &

By M. P. Singh, Vice Chairman.

By filing this OA, the applicant has claimed
the following reliefs :-



"A. That the order dated 12.7.2001 (Exhibit A/2) may kindly be quashed and set aside.

B. That the respondents be directed to pay the retiral benefits, arrears, pension etc. to the applicant treating his pay scale of Rs.4260/- per month on the date of his retirement.

C. That in the alternate the respondents may kindly be directed to decide the applicant's representation/notice dated 19.7.2001 (Exhibit A/3) by a speaking order after considering the facts narrated in the said representation/notice."

2. The brief facts of the case are that the applicant was working as a Trolley Man and was drawing the pay of Rs.4260/-. The respondents vide order dated 12.07.2001 (Annexure A/2) have reduced the pay of the applicant from Rs.4260/- to Rs.3800/-. The grievance of the applicant is that he was not given the opportunity of hearing before his pay was reduced from Rs.4260/- to Rs.3800/- which is against the principles of natural justice. The respondents also in Para 4.4 of their reply admitted this fact that they have not issued notice to the applicant to submit his representation before his pay was reduced from Rs.4260/- to Rs.3800/-. We find that as per law laid down by the Supreme Court in the case of State of Punjab vs. K. R. Erry. AIR 1973 SC 834 an aministrative order, which involves civil consequences, must be made consistently with the rules of natural justice after giving an opportunity to the

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delinquent employee of being heard. We find in this case that the opportunity of hearing has not been given by the respondents to the applicant as they themselves admitted in their reply.

4. For the reasons recorded above, the OA is allowed. The order passed by the respondents dated 12.07.2001 (Annexure A/2) is quashed and set aside. It will be open for the respondents to pass appropriate order after issuing the show cause notice to the applicant.

5. In view of the above order, no order is required to be passed in MA No.240/2003 filed for condonation of delay and the same shall stand disposed of accordingly.



(M. L. CHAUHAN)

MEMBER (J)



(M. P. SINGH)

VICE CHAIRMAN