

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
(CAMP OFFICE AT INDORE)

Original Application No. 91 of 2003

Indore, this the 20th day of April, 2004

Hon'ble Shri M.P.Singh - Vice Chairman
Hon'ble Shri Madan Mohan, Member (J)

...Raj Singh
Anuj Pratap Singh s/o late Shri Ram
Rajsingh, Age 60 years, Occupation-Pensioner,
R/o 410, ID.A. Scheme No. 59, Near Nai Sabji
Mandi, Indore (MP). ...Applicant

(Applicant in person)

-versus

1. State of M.P. through
The Principal Secretary,
Forest Department, Mantralaya,
Vallabh Bhawan, Bhopal.
2. The Union of India, Through the
Secretary, Ministry of Environment and
Forests, Paryavaran Bhawan, C.G.O.
Complex, Lodhi Road, New Delhi. ... Respondents

(By Advocate: None)

ORDER

By M.P.Singh, Member (J):

By filing this Original Application, the applicant has claimed the following reliefs:

i) The Govt. order dated 23rd May, 1996 (Annexure A/2) alongwith Annexure A/3 be quashed.

ii) The respondents be directed to act in accordance with the order dated 28.6.1996 taking the applicants pay as on 1.1.1996 Rs. 5150/- and revise the pay scale of the applicant in the scale of Rs.14300- 18500/- w.e.f. 1.1.1996 alongwith all arrears.

2. The brief facts of the case are that the applicant was recruited in M.P.Superior Forest Service as Assistant Conservator of Forest after being selected by the M.P.Public Service Commission in open competition. After successful training, he was appointed as Assistant Conservator of Forest and joined the said post on 4.4.1965. He was appointed to the Indian Forest Service w.e.f. 27.11.1995. He retired on

attaining the age of superannuation on 30.11.1997. On induction into I.F.S., applicant's pay was revised at Rs. 5000/- and Rs. 5150/- as on 27.11.1995 and 1.1.1996 respectively. The At the time of retirement, the basic^{pay} of the applicant was Rs. 5300/-. The revision of pay scale came into force w.e.f. 1.1.1996 by coming into force of Vth Pay Commission. While giving the benefit of the revised pay scale, the respondent State have fixed the pay of the applicant vide order dated 23.5.1998 reducing his pay at Rs. 5000/- instead of 5150/- as on 1.1.1996 in the pay scale of Rs. 12000-16500/- instead of Rs. 14300-18300/-. Aggrieved by the said act of the respondent, the applicant made a representation on 24.6.1998 against the said erroneous fixation of his pay and also submitted a reminder on 12.10.1998, which was rejected on 12.11.1998. The applicant submits that once he has retired, his fixation of pay into IFS had attained finality and the same could not have been reduced under any pretext in view of the provisions of the Pension Rules.

2. Heard the applicant, who is present in person. Since, none is present on behalf of the respondents, we propose to decide this O.A. by invoking the provisions of Rule 16 of the CAT (Procedure) Rules, 1987. The respondents, despite sufficient opportunity having been granted, have not filed any reply.

3. The applicant argued that he retired on attaining the age of superannuation on 30.11.1997. His pay was revised vide order dated 28.6.1996 but later on vide order dated 23.5.1998 i.e. after his retirement, his pay was reduced contrary to relevant rules and no opportunity of hearing was afforded to him. Hence, principles of natural justice have not been followed.

4. After hearing the applicant and perusal of the record, we find that after giving sufficient opportunity to the respondent they have failed to file their reply to the O.A. and before



passing the impugned order, no opportunity of hearing was given to the applicant which is against the principles of natural justice.

5. In the facts and circumstances of the case, the O.A. is partly allowed and the impugned orders dated 23.5.1996 (sic 23.5.1998) alongwith Annexure A-3 are quashed. The case is remanded back to the respondents to consider the case of the applicant in accordance with relevant rules and law and pass a speaking, detailed and reasoned order within a period of three months from the date of receipt of a copy of this order under intimation to the applicant. No costs.

(Madan Mohan)
Member (J)

(M.P. Singh)
Vice Chairman

/na/

मुद्रित करने के लिए.....
संसदीय विधायिका, भारत
(1) रामेश्वर, विधायिका, भारत सभा, भारत
(2) अमेश्वर विधायिका, भारत सभा, भारत
(3) विधायिका, भारत सभा, भारत
(4) अमेश्वर, विधायिका, भारत सभा, भारत
संसदीय आवश्यक कार्यदाती द्वारा
संसदीय आवश्यक कार्यदाती द्वारा

Tareel
22-4-96