

18

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
**ORIGINAL APPLICATION NO.060/00356/2014
Chandigarh, this the 30th Day of March, 2015**

...
CORAM: HON'BLE MRS. RAJWANT SANDHU, MEMBER (A).

...
Harjit Singh (MES-366685) son of Shri Sadhu Singh, Charge Man (Retd.), office of Garrison Engineer, Amritsar.

...**APPLICANT**

VERSUS

1. Union of India through the Secretary, Ministry of Defence, New Delhi.
2. The Engineer in Chief, Army Headquarters, Kashmir House, New Delhi.
3. The Commander Works Engineer, Amritsar Cantt.
4. Garrison Engineer, Amritsar Cantt.
5. The D.P.D.O. Amritsar.

...**RESPONDENTS**

Present: Sh. H.K. Aurora, counsel for the applicant.
Sh. Ram Lal Gupta, counsel for the respondents.

ORDER

BY HON'BLE MRS. RAJWANT SANDHU, MEMBER (A)

1. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985, seeking the following relief:

"8 (i) That the impugned office letters No.DPDO/ASR/65481/SBP Verka dated 17.02.2014 and office letter No.1080/HS/Chargeman (Elect.)23/E1 dated 29.08.2013 issued by the respondents no.5 and 4 respectively vide Annexure A-1 and A-2, whereby the pension of the applicant has been reduced from 9500/- to Rs.9345/- and recovery of Rs.21,575/- has been ordered to be recovered from the applicant be quashed."

As —

2. When the matter was taken up for hearing on admission on 25.04.2014 operation of the impugned order dated 17.02.2014 was stayed and this position continues till date.

3. In the grounds for relief it has, inter alia, been stated that the impugned office letters dated DPDO/ASR/65481/SBP Verka dated 17.02.2014 and office letter No.1080/HS/Chargeman (Elect.)23/E1 dated 29.08.2013 issued by respondents no.5 and 4 respectively (Annexure A-1 and A-2), reducing the pension of the applicant from 9500/- to Rs.9345/- and directing recovery of Rs.21,575/- from him without issuing any notice was against the principles of natural justice and contrary to the various judgments rendered by the Hon'ble Supreme Court of India and Hon'ble Punjab and Haryana High Court, Chandigarh. The pension of the applicant had been wrongly reduced which means his pay was reduced by one stage of increment lower than his juniors even in the trade of MCM. Even otherwise, the pension of the applicant has never been fixed at the instance of the applicant either by way of fraud or misrepresentation or in any other illegal manner.

4. Inspite of repeated opportunities, no written statement was filed on behalf of the respondents.

5. When the matter came up for consideration today, learned counsel for the respondents fairly submitted that since no show cause notice had been given to the applicant before order of recovery of alleged

As

excess payment of pension, the OA could be disposed of with direction to the respondents to issue show cause notice in the matter and take a decision thereafter.

6. Learned counsel for the applicant does not object to this submission made on behalf of learned counsel for the respondents.

7. Considering the ad-idem between the parties, this OA is disposed of with direction to the respondents to issue show cause notice to the applicant before effecting recovery in accordance with impugned letters dated 17.02.2014 and 29.08.2013 (Annexure A-1 and A-2) and decision in the matter may be taken by passing a reasoned and speaking order after considering the reply of the applicant to the show cause notice. Action in this regard may be completed within a period of three months from a certified copy of this order being served upon the respondents. Meanwhile, operation of the impugned orders referred above shall remain stayed.

8. With the above direction, the O.A. is disposed of. No cost.

Rs
(RAJWANT SANDHU)
MEMBER (A)

Place: Chandigarh.
Dated: 30.03.2015.

'KR'