

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA 3105/2013

New Delhi, this the 5th day of January, 2016

**Hon'ble Mr. Justice Syed Rafat Alam, Chairman
Hon'ble Mr. P.K. Basu, Member (A)**

Neelkanth
S/o Shri Shadanand
R/o H.No.B-1/3, Sector-11
Rohini, Delhi Applicant

(Through Shri Yogesh Sharma, Advocate)

Versus

1. Union of India through the General Manager
Northern Railway, Baroda House,
New Delhi.
2. The Divisional Railway Manager
Northern Railway, DRM's office,
Ambala Cantt. (Har)
3. The Divisional Personnel Officer
Northern Railway, DRM's office,
Ambala Cantt. Respondents

(Through Shri Satpal Singh, Advocate)

ORDER (Oral)

Justice Syed Rafat Alam, Chairman

The applicant has retired on attaining the age of superannuation as Loco Pilot on 31.07.2012. It is stated by him that while refixing his pay in the year 2009 after the 6th CPC report, the respondents, without giving any notice to the

applicant; without passing any such order and without even communicating the revised fixation, refixed his pay from 1.08.1992 as a result of which he has incurred a loss in pay and pension. He has, therefore, filed this OA seeking the following reliefs:

- "(i) That the Hon'ble Tribunal may graciously be pleased to pass an order declaring to the effect that the whole action of the respondents re-fixing the pay of the applicant only in service book since 1992 without passing any order and without given any show cause notice to the applicant is illegal, arbitrary, against the rules and against the principles of natural justice and consequently, pass an order directing the respondents to restore the pay of the applicant, and re-fix the pay of the applicant from the date of initial appointment till the date of retirement as stated in 4.9 of the O.A. with all the consequential benefits with the arrears of difference of pay and allowance and revision of retirement benefits with arrears and interest.
- (ii) That the Hon'ble Tribunal may further graciously be pleased to pass an order re-fix the pay of the applicant as per para 4.9 of the O.A. with all consequential benefits including revision of the retirement benefits with arrears and with interest."

2. In his OA, in para 4.9, the applicant has produced a table showing the pay actually fixed by the respondents and what should be the pay according to him.

3. The respondents in their reply have stated that refixation of pay had to be done as the applicant was awarded 19 punishments during his service career and out of this, 3

punishments could not be implemented during his service. As a result, his pay had to be revised on account of these punishments. Moreover, it is argued that the applicant was well aware of his pay revision while he was getting pay slips every month and has chosen to approach this Tribunal after retirement whereas he could have objected at the time he received his pay slips regularly.

4. In the revised pay fixation, at Annexure A-1, the applicant has pointed out that on 1.05.2004, his pay was Rs.6000/- and it has been fixed at Rs.6050/- in the upgraded scale of Rs.5000-8000 by wrongly giving an increment of Rs.50/-, whereas the increment amount should have been Rs.150/-. It is, therefore, submitted that, *prima facie*, there is error in pay fixation. Be that as it may, we are of the view that interests of justice will be served in case the respondents examine the chart produced by the applicant in para 4.9 of the OA, and address the same by recording reasons.

5. We, therefore, dispose of this OA with the direction to the respondents to re-examine the claim of the applicant regarding fixation of his pay as mentioned in para 4.9 of the OA and pass a reasoned order within a period of two months of the receipt of a copy of this order. In case, the respondents do not accept the contention of the applicant for any particular entry, clear reason is to be stated showing that the contentions raised by the applicant are untenable and not legally sustainable. It goes

without saying that in the event, the respondents notice that errors have crept in while fixing his pay, the same shall be corrected and all consequential benefits, including revision in the retiral benefits etc., is to be given to the applicant within the aforesaid period.

6. The Application is thus disposed of with the above order, but without costs.

(P.K. Basu)
Member (A)

/dkm/

(Syed Rafat Alam)
Chairman