

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE**

ORIGINAL APPLICATION NO. 170/00195/2017

DATED THIS THE 08TH DAY OF NOVEMBER, 2017

HON'BLE DR. K.B. SURESH, MEMBER(J)

HON'BLE SHRI P.K. PRADHAN, MEMBER(A)

N. Shankara Murthy,
Aged about 63 years,
S/o Late Sri Narayanappa,
Retd. Trolleyman/PW/SBC
R/o # 952, 6th Main,
V.V. Nagar, H.M.T. Lay Out,
Bangalore-560 32.

.....Applicant

(By Advocate: Shri. C.C. Thomas)

Vs.

1. The General Manager,
South-Western Railways,
Gadag Road,
P.O: Hubli 580 023.
2. The Chief Personnel Officer,
O/o The General Manager,
South-Western Railway,
Gadag Road,
P.O:Hubli-580 023.
3. Sr. Divisional Personnel Officer,
O/o The Divisional Railway Manager,
Bangalore Division, S.W. Railway,
P.O. Bangalore-560 023.
4. Sr. Divisional Finance Manager,
O/o The Divisional Railway Manager,
Bangalore Division, S.W. Railway,
P.O. Bangalore-560 023.Respondents

(By Advocate: Shri N. Amaresh, Standing Counsel for Railways)

ORDER (ORAL)HON'BLE DR K.B. SURESH, MEMBER(J)

Heard. The matter is in a very small compass. This is the 3rd round of litigation between the parties. It appears that Annexure A-3 was issued restructuring his pay scale without hearing him and without giving an opportunity of being heard. This cannot be done. The respondents to issue show cause notice and after hearing the applicant only they can pass such an order. Therefore Annexure A-3 will not lie under law. It is hereby quashed. But at the same time, after hearing him and giving him an opportunity they can re-fix the pay scale and if it is re-fixed wrongly and prospectively fix the last pay drawn. If there is any amount reduced without this that also to be re-fixed within the next one month.

2. OA allowed to this extent. No order as to costs.

(P.K. PRADHAN)
MEMBER(A)

(DR. K.B. SURESH)
MEMBER(J)

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Annexures referred to by the applicant in OA.No.195/2017

Annexure A-1: Copy of extract from Applicant's SR.

Annexure A-2: Copy of extract from Applicant's SR indicating promotion as Plan Recorder.

Annexure A-3: Copy of Memorandum of Re-fixing the applicant's last Basic pay.

Annexure A-4: Copy of settlement benefits papers issued in f/o of the applicant.

Annexure A-5: Copy of Pension Payment order.

Annexure A-6: Copy of Sr.DFM/SBC letter addressed to Sr. DPO/SBC advising the review settlement of the applicant.

Annexure A-7: Copy of OA. No. 884/2015 filed of the applicant (without annexures).

Annexure A-8: Copy of reply filed by the railways to OA.

Annexure A-9: Copy of CAT order in the above OA.

Annexure A-10: Copy of Review Application No.60/2016 filed by the applicant.

Annexure A-11: Copy of CAT order in the above RA.

Annexure A-12: Copy of High Court/MAs order in A. Ramachandran Vs. 2 Supervising Engineers.

Annexure A-13: Copy of extract of Rly Servant's Pension Rule No.76.

Annexure A-14: Copy of Apex Court decision in Robert D Souza case.

Annexure A-15: Copy of Rly Board's advice to consider 50% CL service for the purpose of MACP also.

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