

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BENGALURU**

ORIGINAL APPLICATION NO.170/00540/2018

DATED THIS THE 03RD DAY OF APRIL, 2019

**HON'BLE DR. K.B.SURESH
HON'BLE SHRI C.V. SANKAR**

**...MEMBER(J)
...MEMBER(A)**

Venkataramudu,
S/o Venkatappa,
Aged about 63 years,
Working as Technician (Plumber Gr.I),
O/o I.O.W., S.S. Works,
Yeshwanthpura,
Bangalore-560 022.
Residing at No. 5-6-99B, Dall Factory,
Lakshmipuram,
Hindupura-515 202.

...Applicant.

(By Advocate Shri M.R. Achar)

Vs.

1. The General Manager,
South Western Railway,
Hubli Zone,
Hubli – 580 020.

2. Senior Divisional Personnel Officer,
South Western Railway,
Bangalore Division,
Bangalore – 560 001.

...Respondents.

(By Standing Counsel Shri J. Bhaskar Reddy for Respondents)

O R D E R (ORAL)

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

Heard. This matter is in a very small compass. Without issuing a notice and giving opportunity of being heard unilaterally, the applicant's pay was re-fixed.

2. The respondents' defence is that, since that was done in 2015, in 2018 that cannot be countenanced. We reject this contention, because it will be continuous cause of action, as his pension is substantially reduced because of that.

3. The impugned orders are quashed. Whatever recovered amount to be paid back within 2 months without interest. Thereafter at the rate of 12% per annum, which is allowed by the Hon'ble High Court in several other similar cases.

4. At this point Shri Bhaskar Reddy, learned counsel for the respondents requests for permission to issue notice to the applicant and re-fix the pay. That can be done without any doubt.

5. OA allowed as above. No costs.

(C.V. SANKAR)
MEMBER(A)

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

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Annexures referred in O.A. No. 170/00540/2018

Annexure-A1: Copy of office order dated 4.2.2013 fixing the pay of the applicant.
Annexure-A2: Copy of the pay slip for the month of January 2015.
Annexure-A3: Copy of the pay slip for the month of March 2015.
Annexure-A4: Copy of the details of the settlement dues dated 30.4.2015.
Annexure-A5: Copy of pension details issued on 10.07.2015.
Annexure-A6: Copy of family pension details dated 10.07.2015.
Annexure-A7: Copy of the representation dated 05.12.2017.
Annexure-A8: Copy of the representation to R2 dated Nil.
Annexure-A9: Copy of representation to R2 dated Nil.
Annexure-A10: Copy of circular dated 19.07.2016
Annexure-A11: Copy for information and reply under RTI Act dated 2.2.2018.

Annexures with reply statement

Annexure-R1: Copy of Selection Board Results.
Annexure-R2: Copy of Memorandum dated 21.4.2015.
Annexure-R3: Copy of over payment calculation of Venkataramudu.
