

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BENGALURU**

ORIGINAL APPLICATION NO.170/01824/2018

DATED THIS THE 4TH DAY OF JULY, 2019

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

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

Mustaq Ahmed,
S/o Mohamed Dastagir,
Aged about 61 years,
Rtd Sr. Technician (Mechanical)
S.W. Railway, Yeshwanthpur,
R/o # 16, 1st Main Road,
Sutha Ramaiah Layout,
B.K. Nagar,
Yeshwanthpur,
Bangalore-22.

...Applicant

(By Advocate Shri K. Shivakumar)

Vs.

1. Union of India,
Rep. by General Manager,
South Western Railway,
Hubli.

2. Senior Divisional Personnel Officer,
South Western Railway,
Bangalore.

...Respondents

(By Standing Counsel Shri N. Amaresh for Respondents)

O R D E R (ORAL)

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

Heard. The matter relates to revised fixation of pay from Rs.44900/- as on 01.07.2018 to Rs.43600/- vide Annexure-A1. The respondents claim that refixation has been done just at the time of the person's retirement since the increments which had been granted to him over the years were not postponed due to his unauthorized

absence which should have been normally done but the same increments have been given on the due dates as was given to the regular staff. This mistake had occurred at the respondents' level and the applicant had no juncture for this wrong fixation of the date of the increments by the respondents themselves. All these years this had not been noticed and finally prior to his retirement, the respondents woke up and issued a revised order reducing his pay from Rs.44900 to Rs.43600 and his pension has been fixed accordingly. In other words, the applicant is penalized for no fault of his at the fag end of his career for a clerical mistake committed years earlier by the respondents themselves and which had escaped the notice of all concerned till the date of retirement of the applicant.

2. Further, no notice was issued prior to fixing it, which was to be done before re-fixation as the actual fixation was done in the year 2010. Therefore, it cannot lie at all. The respondents should take care that rules are stipulated for proper functioning of the governance system. But by this, they would have caused a loss, much more than a few hundreds rupees, which only they will gain. So an unnecessary litigation has been brought about and needless harassment was brought on the applicant.

3. All the impugned orders are quashed. The original benefit will be made available to the applicant and there cannot be any issuance of any show cause notice now, as we fully imbibe the spirit of White Washer's Judgment.

4. OA is allowed. No order as to costs.

(C.V. SANKAR)
MEMBER(A)

vmr

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

Annexures referred to by the Applicant in O.A. No. 170/01824/2018

Annexure-A1: Copy of memorandum No.B/P500/NR/MA dated 25.9.18.

Annexure-A2: Copy of the Pension Payment Order.

Annexure-A3: Copy of the Representation dated 25.10.2018.

Annexures with reply statement

Annexure-R1: Copy of Statement showing details of Non-qualifying service from the date of increment to next increment.
