

(2020) 08 CAT CK 0035

In the Central Administrative Tribunal

Case No : Original Application No. 100, 1066 Of 2020

Ravi Kant Vats

APPELLANT

Vs

Commissioner & Others

RESPONDENT

Date of Decision : 17-08-2020

Acts Referred:

Citation : (2020) 08 CAT CK 0035

Hon'ble Judges : L. Narasimha Reddy, J;Aradhana Johri, Member (A)

Bench : Division Bench

Advocate : Arun Bhardwaj, Amit Sinha

Final Decision : Allowed

Judgement

L. Narasimha Reddy, J

1. The applicant is working as X-ray Technician in a Hospital established by the Municipal Corporation of Delhi. Through an Office Order dated 28.11.2019, his salary was refixed at different points of time. As a consequence thereof, an office order was issued on 05.08.2020 proposing the recovery of an amount of Rs.1,01,603/-. This OA is filed challenging both the orders dated 28.11.2019 and 05.08.2020.

2. We heard Shri Arun Bhardwaj, learned counsel for the applicant and Shri Amit Sinha with Shri R. V. Sinha, learned counsel for the respondents, at the admission stage.

3. It may be true that the necessity to pass office order dated 28.11.2019 arose on account of the implementation of the recommendations of 7th CPC, and the objections raised in the Audit Inspection Report of the year 2017-2018. However, the refixation proved to be pre-detrimental to the interest of the applicant. The basic requirement was that a notice ought to have been issued to the applicant, indicating the reasons for proposed reduction of the emoluments. The same is in the case with the resultant recovery. Both the orders are violative of principles of

natural justice.

4. On this short ground, we set aside both the orders dated 28.11.2019 and 05.08.2020, but leave it open to the respondents to issue notice to the applicant in the context of refixation of his salary, and to take further steps. The OA is allowed accordingly. There shall be no order as to costs.