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Court : Central Administrative Tribunal CAT Ernakulam

Decided On : Feb-03-2014

Judge : The Honourable Mr. a.K. Basheer, Judicial Member & the Honourable Mr. K. George Joseph, Administrative Member

Appeal No. : Original Application No. 1221 of 2013

Appellant : M.i. Shibu

Respondent : Union of India Represented by the Secretary to the Government of India and Others

Judgement :

K. George Joseph, Administrative Member.

1. The applicant is presently working as Junior Engineer (Civil) in the Central Public Works Department of the Ministry of Urban Development. The applicant is aggrieved by Annexure A-1 letter of the 4th respondent dated 04.11.13 / 02.12.13 addressed to the 3rd respondent revising his pay with effect from 17.08.1994 to his disadvantage without granting him an opportunity to show cause. The applicant apprehends that the 3rd respondent will soon reduce his pay and start recovery of alleged overpayment as mentioned in Annexure A-1.

2. The O.A was taken up for consideration on 03.02.2014. Parties were heard and documents perused.

3. It is seen that the applicant had replied to the audit objection raised by the internal audit wing on the fixation of his pay vide Annexure A-8 letter dated 29.07.2011. Relying on the order dated 08.10.1991 of the Principal Bench of this Tribunal in the case of D.K. Das Gupta vs. Union of India, the applicant had submitted that the observation of the internal audit wing is not correct and re-fixation of pay and recovery thereof cannot be implemented. As per the statement of the applicant, nothing transpired after his representation and he was under the bonafide belief that the issue has been settled once and for ever. The applicant has also submitted that the 4th respondent is not the decision making authority as far as the pay fixation is concerned.

4. In the facts and circumstances of the case, it is appropriate that the competent authority should, in the first instance, consider whether fixation of his pay is correct or not after affording him an opportunity of being heard, in the interest of justice and fair play. Hence we are of the view that this O.A can be disposed of at the admission stage itself without going into the merits of the case. Accordingly, it is ordered as under.

5. The applicant is directed to submit his representation on fixation of his pay in the light of the audit objection by the internal audit wing to the competent authority through proper channel within one month from the date of receipt of a copy of this order. The respondents should thereafter consider the representation of the applicant in accordance with law and on merit and communicate the decision thereon to the applicant within a period of three months from the date of receipt of a copy of his representation. The operation of Annexure A-1 dated 04.11.13 / 02.12.13 is stayed till the decision of the competent authority on his representation is communicated to the applicant.

6. The O.A is disposed of in the above terms. No costs.