

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH, NEW
DELHI

O.A. No. 2165/2010

New Delhi this the 23rd day of March, 2011

Hon'ble Mr. Justice P. Swaroop Reddy, Member (J)

Hon'ble Dr. Veena Chhotray, Member (A)

Smt. Sunita Sehgal,

W/o Late Sh. Vinod Sehgal,

R/o Qtr. No.2, Old Building,

Kasturba Hospital

Darya Ganj, New Delhi.

.. Applicant

(By Advocate Shri Anju Aggarwal)

Versus

Municipal Corporation of Delhi

Through its Commissioner

Town Hall, Chandni Chowk

Delhi.

.. Respondent

(By Advocate Shri Anshuman Choudhary)

ORDER (ORAL)

Dr. Veena Chhotray:

The applicant in the present case is challenging the impugned order dated 22.6.2010 (Annex.A-1) which is reproduced as here below:

“OFFICE ORDER

Addl. Commissioner (Health) vide orders dated 26.5.2010 has allowed to modify the office order No.2955/AO/KH/07 dated 31.07.2007 and granted IInd financial upgradation under ACP Scheme in respect of Smt. Sunita Sehgal, MRC w.e.f. 01.7.2005 in the pay scale of Rs.4500-125-7000 (Pre-revised) in place of Rs.6500-200-10500 (Pre-revised)”

It would be the submission of the learned counsel for the applicant, Shri Anuj Aggarwal, that the lowering the pay scale in case of the applicant has been effected without affording any opportunity to be heard by the Respondents. Besides, the impugned order would also be contended non reasoned and non speaking. The learned counsel would also produce before us a copy of a decision rendered by a Coordinate Bench of this Tribunal in the TA No. 1089/2009 (Shri I.C. Sharma Vs. MCD & Ors.) on 10.11.2009. It would be submitted by the learned counsel that the present case in essence is covered by the aforesaid decision.

On behalf of the Respondent, the learned counsel, Shri Anshuman Choudhary, would make the submission that the lowering of the scale in this case has been done in accordance with rules. It would further be submitted that the initial higher scale had been granted erroneously.

2. As per the trite law, it is an admitted position that even where some correction has to be done, which entails adverse civil consequence upon an employee, the same has to be done only after due observance of principles of natural justice, which means given at least an opportunity to be heard. We also find the present case to be covered by the decision of the coordinate Bench, as cited before us.

3. Resultantly allowing the OA, the impugned order is set aside. The Respondents are directed to refund to the applicant the recovered amount so far. However this shall not preclude them regarding refund of the recovered amount have to be complaint within a period to two months from the date of receipt of a copy of this order. No costs.

(Dr. Veena Chhotray)

Member (A)

(P. Swaroop Reddy)

Member (J)

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