

Divisional Superintendent, Eastern Railway, Dinapur and Others

Vs

Shri L. N. Keshri and Others

Union of India

Vs

Vidya Sagar Mishra

Civil Appeals Nos. 2117 and 2118 of 1969

(A.N.Ray,CJ, K.K.Mathew J )

06.08.1974

JUDGMENT

RAY, C.J. -

1. These two appeals are by certificate from judgment dated December 14, 1967 of the High Court of Patna.
2. The only question in these appeals is whether the order dated August 16, 1966 is valid.
3. By order dated August 16, 1966 the appellants fixed the pay of the respondents at Rs. 135 per month in the scale of Rs. 105-135.
4. The respondents contended that their pay had been fixed in the scale of Rs. 110-180 and the scale was arbitrarily and illegally reduced.
5. The appellants contended that because of some mistake the respondents had been put in the grade of Rs. 110-180 and this mistake was rectified.
6. The respondents were confirmed in the scale of Rs. 110-180. The appellants having fixed the scale and confirmed the respondents could not reduce the scale without giving any opportunity to the respondents to be heard. Furthermore, the respondents on confirmation became entitled to rights to the post and to the scale of pay fixed by the Board.
7. The High Court rightly set aside the order. The appeals therefore fail and are dismissed. The appellants will pay costs to the respondents.

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