

Central Administrative Tribunal,
Principal Bench

O.A. No.1426/2002

M.A. No.1141/2002

New Delhi this the 25th day of October, 2002

Hon'ble Mr. Justice V.S. Aggarwal, Chairman
Hon'ble Mr. M. P. Singh, Member (A)

1. All India Telegraph Traffic Officers Association through its General Secretary Shri Dharm Pal Mehta, EPT-16, Sarojini Nagar, New Delhi-110023.
2. Shri K.C. Gupta, S/o Shri K.L. Gupta, R/o C-109, Sector 19, SFS Flats, Rohini, Delhi-110085.
3. Shri S.C. Garg, S/o Shri Jai Bhagwan, R/o D-II/175, Kaka Nagar, New Delhi.

- Applicants

(By Advocates : Shri G.D. Gupta, learned senior counsel
with Shri S.D. Raturi)

Versus

1. Union of India through the Secretary to the Govt. of India, Ministry of Communication & Information Technology, Department of Telecommunication Services, Sanchar Bhavan, 20, Ashoka Road, New Delhi-110001.
2. The Secretary to the Government of India, Ministry of Personnel, Public Grievances and Pensions, (Department of Personnel & Training), North Block, New Delhi-110011.
3. The Secretary to the Govt. of India, Ministry of Finance, North Block, New Delhi-110011.
4. The Chairman, Telecommunication Commission, Ministry of Communication & Information Technology, Department of Telecommunication Services, Sanchar Bhavan, 20, Ashoka Road, New Delhi-110001.

(By Advocate : Shri K.C.D. Gangwani)

- Respondents

ORDER (ORAL)

Mr. Justice V.S. Aggarwal, Chairman:

MA 1141/2002

MA 1141/2002 is allowed subject to just exceptions. Filing a joint application is permitted.

OA 1426/2002

Applicants are Govt. employees as members of Telegraph Traffic Service Group 'A' in the Department of Telecommunication & Information Technology. They are aggrieved by the order passed on 21.2.2002 whereby over payments were made to them have been stated to be not valid. The grievance of the applicants, besides other pleas with which we are not presently concerned, is that the said order has been passed without putting them to notice and not giving them any opportunity of hearing.


2. It can hardly be over-emphasized that when an order has been passed which has a civil consequences in accordance with well settled principles of natural justice, an opportunity must be granted after the show cause notice is issued.


3. Since this position in law can hardly be disputed, on this short ground, we allow the present application and direct that Respondent No.1 will issue a show cause notice to the applicants and thereafter pass a speaking order on consideration of the reply, if any, is received from the applicants. It would be highly

— BAg —

appreciated if a speaking order is passed and the same be communicated to the applicants.

4. Subject to aforesaid, the impugned orders dated 25.9.2000 (Annexure A-1) and 21.2.2002 (Annexure A-2) are quashed. By way of abundant caution, we add that nothing said herein is an expression of opinion on the other pleas of the applicants including the controversy whether it is an organised service or not.


(M.P. Singh)
Member (A)


(V.S. Aggarwal)
Chairman

/ravi/