

Central Administrative Tribunal, Principal Bench

Original Application No.2876 of 2002

New Delhi, this the 30th day of April, 2003

Hon'ble Mr. Justice V.S. Aggarwal, Chairman
Hon'ble Mr. V.K. Majotra, Member (A)

Shri Mahendra Singh Tyagi DET (Retd.)
S/o late Shri Suraj Bhan Tyagi
R/o I/86, Govind Puram,
Ghaziabad-201002

.... Applicant

(By Advocate: Shri V.P.S. Tyagi)

Versus

1. Union of India (Through Secretary)
Ministry of Communication
New Delhi
2. The D.D.G. (Personnel)
Department of Tele-Communication,
Sanchar Bhawan,
New Delhi.
3. The C.G.M. N.T.R.
Kidwai Bhawan,
New Delhi.
4. The Chief General Manager,
M.T.N.L., Khurshid Bhawan,
New Delhi
5. The C.G.M.
Bharat Sanchar Nigam Ltd.,
Telecom MTCE (NR)
DTO Building,
Prasad Nagar,
New Delhi-5

.... Respondents

(By Advocate: Shri V.K. Rao)

O R D E R (ORAL)

By Justice V.S. Aggarwal, Chairman

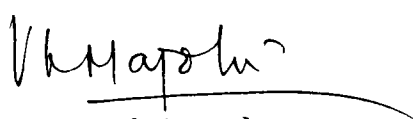
By virtue of the present application, the applicant seeks quashing of the order whereby recovery of Rs.72,191/- has been made by the respondents.


2. Besides the other relief regarding fixation of pension, one of the plea raised by the applicant is that while passing the impugned order referred to above, no show cause notice has been served on him.

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3. The settled principle of law is that whenever an order having civil consequences is passed, in normal circumstances, a show cause notice should be given to the applicant and after considering the reply, if any, the order should be passed. In the present case, the same has not been done.

4. Consequently, without expressing ourselves on the merits of the matter, we quash the impugned order and direct that before taking any such action pertaining to the alleged recovery, the respondents shall issue a show cause notice to the applicant and after considering the reply, pass an appropriate speaking order.


(V.K. Majotra)
Member (A)


(V.S. Aggarwal)
Chairman

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