

(17)

Central Administrative Tribunal, Principal Bench

Original Application No.3342 of 2002

New Delhi, this the 5th day of August, 2003

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

Smt. Prakash Arun Bali
W/o Shri Arun Bali,
R/o 4, Delhi Admn. Officers Flats
Upper Bela Road, New Delhi-54

.... Applicant

(By Advocate: Shri S.K. Gupta)

Versus

1. Govt. of NCT of Delhi,
Through The Chief Secretary
Delhi Secretariat
I.G. Stadium, I.P. Estate,
New Delhi-2
2. Director,
Directorate of Education
Old Secretariat,
Delhi-54
3. Deputy Director of Education
District North
Lucknow Road,
Delhi
4. Regional Director of Education (Central)
C/o Directorate of Education
Old Secretariat
Delhi-54

.... Respondents

(By Advocate: Shri Mohit Madan, proxy for Mrs. Avnish Ahlawat)

O R D E R (ORAL)

By Justice V.S. Aggarwal, Chairman

By virtue of the present application, the applicant Smt. Prakash Arun Bali seeks quashing of the order of 16.11.2002 and further a declaration that she is entitled to the scale of Rs.7500-12000 from 1.1.96 being the replacement scale of Rs.2000-3500.

2. During the course of submissions, it was not disputed at either end that before passing the impugned

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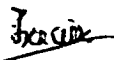



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order dated 16.11.2002, the applicant has not been served with a show cause notice whereby she has been placed in a lower scale and it is also directed that the overpayment, if any, on this account has to be recovered in accordance with the rules.

3. The position in law is well settled that when an order has civil consequences, then the principles of audi alteram partem cannot be ignored. Admittedly in the present case, the applicant has not been given the opportunity to show cause before passing the impugned order. In this backdrop, therefore, the applicant has a just grievance to contend that the impugned order on this short ground cannot be sustained.

4. Resultantly, we quash the impugned order and direct that if so advised, the respondents before passing any such order may give the applicant a show cause notice and thereafter pass an order in accordance with law. By way of abundant caution, we make it clear that we are not expressing ourselves on the other questions raised in the application.


(S.K. Naik)
Member (A),


(V.S. Aggarwal)
Chairman.

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