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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

OA No. 2002/99

New Delhi: this the 17 day of November, 2000.

HON'BLE MR.S.R.ADIGE, VICE CHAIRMAN(A).

HON'BLE DR.A.VEDAVALLI, MEMBER(J)

1. PBR Menon,
S/o Late Shri K.B.Elayidom.

2. Santosh Kumar,
S/o Shri Ajab Singh,

3. Ved Prakash,
S/o Late Shri Mukand Lal,

4. V.S.Choudhary,
S/o Shri R.K.Choudhary,
Joint Asstt. Director,

All (except Applicant No. 4) are Asstt. Directors
in National Crime Records Bureau, East Block-7,
R.K.Puram, New Delhi-66.

..... Applicants.

(By Advocate: Shri P.R.Madhanan)

Versus

1. Union of India,
through
Secretary,
Ministry of Home Affairs,
North Block,
New Delhi-1

2. The Director,
National Crime Records Bureau,
East Block-7, R.K.Puram,
New Delhi-66

..... Respondents

(By Advocate: Shri N.K.Agarwal)

ORDER

Mr. S.R.Adige, VC(A):

Applicants impugn respondents' order dated 9.9.99(Annexure-A1) ordering recoveries of honorarium paid to them during the financial year 1994-95 and 1995-96 in excess of Rs.5000/- per annum, which was

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within the competence of HOD to sanction.

2. Heard both sides.

3. It is not denied that the Honorarium was sanctioned at the rates prescribed in respondents' own letter dated 1.12.99 for lectures delivered by applicants in NCRB over a period of time. Applicants have emphasised, and this has not been denied by respondents that this honorarium was drawn by applicants bona fide as it was released to them by respondents themselves, they relate to a period going back to quite a few years and moreover they urge that they have spent the money and also paid tax on the same. Indeed applicants state that this is a case of respondents not being aware of their own rules.

4. Furthermore we note that although the impugned order dated 9.9.99 clearly has civil consequences applicants were not put to notice before its issue which clearly offends the principle of natural justice.

5. In the result the OA succeeds and is allowed to the extent that the impugned order dated 9.9.99 to the extent that it relates to applicants before us is quashed and set aside. Recoveries already made, if any, should be refunded forthwith. If respondents seek to make any recoveries, they shall do so only after putting applicants to notice, and if they decide to reject applicants' representations, if any, submitted in response to the notice, they shall do so only after advancing cogent reasons in writing why they disagree with the grounds taken by applicants and referred briefly in para 3 above.

6. The OA succeeds and is allowed to the extent stated in para 5 above. No costs.

A Vedavalli
(DR.A.VEDAVALLI)
MEMBER (J)

Anfolgi
(S.R.A.DIGE)
VICE CHAIRMAN (A) ..

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