

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

DA 1163/98
MA 2335/98

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New Delhi this the 22nd day of January, 1999.

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Hon'ble Shri N. Sahu, Member (A)

Sh. Gajendra Pal Sharma
S/O Late Sh. S. N. Sharma
Assistant Manager/Dairy Supervisor,
Delhi Milk Scheme,
West Patel Nagar,
New Delhi-11008
R/O F-20, Patel Nagar-1,
Ghaziabad (UP)

...Applicant

(By Advocate Shri S.C. Luthra)

Versus

Union of India through

1. The Secretary to the Govt. of
India, Department of Animal
Husbandry and Dairying,
M/O Agriculture, Krishi Bhawan,
New Delhi.

2. The General Manager,
Delhi Milk Scheme,
West Patel Nagar,
New Delhi-8

...Respondents

(By Advocate Shri V.S. R. Krishna)

ORDER (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Member (J))

We have heard both the learned counsel.


2. By order dated 26.6.98 the Respondents were restrained from implementing the impugned order dated 28.5.98. Admittedly, the impugned order has been passed without issuing show cause notice before revising the pay of the applicant and recovery of amounts from the applicant.

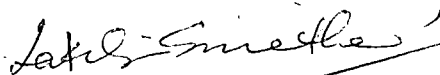
3. Shri S.C. Luthra, learned counsel relies on the judgement of the Hon'ble Supreme Court in Bhagwan Shukla Vs. UOI and Ors. (1995 (2) SLJ 10 in which under the similar circumstances the Hon'ble Apex Court has quashed the order. It was observed

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that the applicant was not even put on notice before his pay was reduced by the department and order came to be made behind his back without following any procedure known to law. That judgement of the Supreme Court is fully applicable to this case. The impugned order dated 28.5.98 is accordingly quashed and set aside leaving it open to the respondents to proceed further in accordance with law.

OA and MA 2235/98 are disposed of as above. No order as to costs.


(N. Sahu)
Member (A)


(Smt. Lakshmi Swaminathan)
Member (J)

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