

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No. 1898 of 1998

New Delhi, dated this the 10th December, 1999

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

Shri Ved Prakash Kapoor,
Asst. Director Grade-II (Retd.),
R/o A-110, Sector-36,
NOIDA-201303.

... Applicant

(By Advocate: Shri V.K. Mehta)

Versus

1. Union of India through
the Secretary,
Ministry of Industry,
Dept. of Small Scale Industries,
Agro & Rural Industries,
Udyog Bhawan,
New Delhi-110011.
 2. Development Commissioner,
Small Scale Industries,
Dept. of Small Scale Industries,
Agro & Rural Industries,
Ministry of Industry,
7th Floor, Nirman Bhawan,
New Delhi.
 3. The Director,
Small Industries Service Institute,
Ministry of Industry,
Dept. of Small Scale Industries, Agro
and Rural Industries,
Okhla,
New Delhi-110020.
- ... Respondents

(By Advocate: Shri Harvir Singh
proxy counsel for Mrs. P.K.Gupta)

ORDER (Oral)

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

Applicant impugns the Respondents' order dated
1.4.98 (Annexure A-1) by which applicant's pay has been
refixed to his disadvantage, based upon which applicant
has also been subjected to recoveries.

2. We have heard applicant's counsel Shri V.K.Mehta and Respondents' proxy counsel Shri Harvir Singh.

3. Respondents do not deny that impugned order dated 1.4.98 has been issued without putting applicant to notice despite it clearly having civil consequences upon him. In this connection Shri Mehta has invited our attention to the Hon'ble Supreme Court's ruling in Bhagwan Shukla Vs. Union of India & Others 1994 (6) SCC 154 whereby it has been held that where civil consequences are visited upon a person, he has to be put to prior notice, and failure to do so is in flagrant violation of the principles of natural justice.

4. In the light of the aforesaid ruling of the Hon'ble Supreme Court, the impugned order dated 1.4.98 issued by respondents manifestly cannot be sustained in law.

5. This O.A. succeeds and is allowed to the extent that respondents' aforesaid order dated 1.4.98 is quashed and set aside. Respondents are directed to restore applicant's pay, and recoveries made should be refunded to him within three months from the date of receipt of a copy of this order. Applicant shall be entitled to consequential benefits including refixation of his pension in accordance with rules and instructions. No costs.

Lakshmi Swaminathan

(Mrs. Lakshmi Swaminathan)
Member (J)

S.R. Adige

(S.R. Adige)
Vice Chairman (A)

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