

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No. 2561/1996

New Delhi, this 26th day of December, 1996

(2)

Hon'ble Shri S.P. Biswas, Member(A)

Smt. Lila Bhardwaj
s/o Shri S.N. Bhardwaj
A-64, East Uttam Nagar,
New Delhi-59

Applicant

(By Advocate Shri B.S. Jain)

Versus

Union of India, through

1. Secretary
Dept. of Expenditure
M/Finance, New Delhi

2. Chief Secretary
Govt. of NCT of Delhi, Delhi

3. Director of Education
Govt. of NCT of Delhi, Delhi

4. Dy. Director of Education
Govt. of NCT of Delhi
Karampura, New Delhi

5. Principal
GGSSS No.2, Janakpuri, New Delhi

Respondents

(By Advocate Shri Raj Singh)

ORDER(oral)

Applicant herein is aggrieved by A-1 and A-2 orders dated 6.7.96 and 26.11.96, respectively, by which the respondents have initiated action for effecting recovery of Rs.10,736/- It was admitted by both the parties that the above orders have not been preceded by any formal prior notice giving an opportunity to the applicant to represent her case.

(3)

2. Sir Edward Coke described requirements of natural justice as the duty "to - vocate, interrogate and adjudicate". It has been said that:

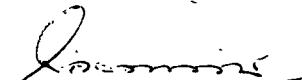
"Even God did not pass a sentence upon Adam, before he was called upon to make his defence".
(Cooper Vs. Wandsworth Board of Works)1863(14) ER 414.

The Hon'ble Supreme Court of India has highlighted this requirement in a long line of decisions e.g. of State of Orissa Vs. Dr. (Miss) A.Bina Pani Dei, AIR 1967 (SC) 1269.

3. Administrative and quasi-judicial authorities will do well to remember that a decision made in contravention of principles of natural justice cannot stand in the eye of law.

4. In the circumstances, the Tribunal quashes the impugned A-1 and A-2 orders. If the respondents are still of the opinion that the amount mentioned in the impugned orders are to be recovered, they shall issue a show cause notice to the applicant, hear her and consider her defence and take appropriate decision in the matter.

5. The application is allowed and disposed of at the admission stage as aforesaid.


(S.P. Biswas)
Member (A)

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