

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI**

O.A. No. 2569/96
T.A. No.

199

DATE OF DECISION 26.12.1996

Smt. Nirmala Narula

Petitioner

Shri R.P. Aggarwal

Advocate for the Petitioner(s)

Versus

Govt. of NCT & Ors.

Respondent

Shri Raj Singh

Advocate for the Respondent(s)

CORAM

The Hon'ble Mr.

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?

JUDGEMENT

L. Biswas
(S. P. Biswas)
Member (A)
26.12.96

(3)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.2569/1996

New Delhi, this 26th day of December, 1996.

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

Smt. Nirmal Narula
s/o Shri R.K. Narula
C-I/37, Janakpuri
New Delhi

Applicant

(By Advocate Shri R.P. Aggarwal)

Versus

1. Lt. Governor
Govt. of NCT of Delhi, Delhi

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

3. 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 6.2.96 and 26.11.96, respectively, by which the respondents have initiated action for effecting recovery to the extent of Rs.8,872/- It was admitted by both the parties that these orders have not been preceded by any prior notice giving an opportunity to the applicant to represent her case.

In support of her contention against the arbitrary recovery as in A-2, the applicant cited the decision of the Hon'ble Supreme Court in the case of Divisional Superintendent, Eastern Railway Vs. L.N. Khatri, AIR 1974 SC 1889. Applicant also submits that the respondents have picked up people in a discriminating manner for the purpose of effecting recovery leaving out similarly situated persons like Mrs. Balani, Mrs. Kumar, Mrs. Dhingra and Mrs. Vimla etc.

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

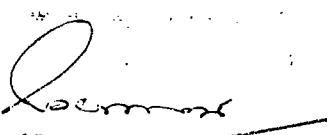
"Even God did not pass a sentence upon Adam before he was called upon to make his defence".
(Cooper Vs. Wandsworth Board of Works)1863(14) ER 414.

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)

/gtv/