

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

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

199

DATE OF DECISION 26.12.1996

<u>Smt. Nirmala Narula</u>	Petitioner
<u>Shri R.P. Aggarwal</u>	Advocate for the Petitioner(s)
Versus	
<u>Govt. of NCT & Ds.</u>	Respondent
<u>Shri Raj Singh</u>	Advocate for the Respondent(s)

CORAM

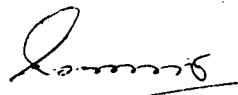
The Hon'ble Mr.

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

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


 (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-1/37, 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 vocate, interrogate and adjudicate". It has been said that:

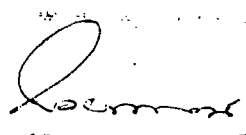
"Even God did not pass a sentence upon Adam, before he was called upon to make his defence".
(Cooper Vs. Wandsworth Board of Works) 1863 (14) ER 414.

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)

/gvt/