

(90)

Central Administrative Tribunal
Principal Bench: New Delhi

O.A. No. 767/2000

New Delhi this the 1st Day of June, 2001.

Hon'ble Shri S.R. Adige, Vice Chairman (A)
Hon'ble Dr. A. Vedavalli, Member (J)

Jayanti Prasad,
S/o Shri Munshi Lal,
R/o 12 Saket-Block,
Mandawali, Fazalpur,
Delhi-110 0092.

(By Advocate: Dr D.C. Vohra)

Versus

1. The State of Delhi/Govt.of NCT Delhi
Through Secretary (Education),
Directorate of Education,
Old Secretariat,
Delhi-110 054.
2. Dy Director of Education
Distt. East Zone-II
Directorate of Education,
Old Secretariat
Delhi-110 054.
3. The Principal
Ishwar Chand Rajkiya Bal
Vidyalaya No. 2,
Madhuban Road, Shakarpur,
Delhi-110 092.

(By Advocate: Shri ~~Rajit~~ ~~Rathi~~ proxy for
Shri Devesh Singh)

O R D E R (Oral)

Hon'ble Shri S.R. Adige, Vice Chairman (A)

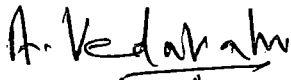
1. Heard both sides.
2. Admittedly respondents have issued impugned orders dated 15.2.2000 (Annexure A-1), and 24.4.2000 (Annexure A-2), withdrawing Senior Scale in respect of applicant without giving any show cause notice.
3. Manifestively the aforesaid impugned orders, directing withdrawal of senior scale in respect of applicant, who is a retired teacher entails civil consequences and under no circumstances could legally

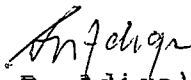
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have been issued without putting him to notice and giving him a reasonable opportunity of being heard. There are a series of rulings upholding the aforesaid principle of law, one of which is M. Gopalkrishna Naidu Vs.State of Madhya Pradesh, AIR 1968 SC 240.

4. Under the circumstances the impugned orders dated 15.2.2001 and 24.4.2000 cannot be sustained in law.

5. The O.A therefore succeeds and is allowed. The impugned orders dated 15.2.2000 and 24.4.2000 are quashed and set aside. Respondents should refund to applicant, recoveries, if any, made from him within one month from the date of receipt of a copy of this order.


(Dr.A.Vedavalli)
Member (J)


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

Mittal