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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No. 1856/2004
with

OA 2405/2004

New Delhi this the 23rd day of November, 2004

Hon'ble Shri Shanker Raju, Member (J)
Hon'ble Shri S.A. Singh, Member (A)

In the matter of

OA 1856/2004

1. Vishwanath
S/O Shri Baldev Raj
R/O C-II-16, Vijay Enclave,
Palam Village, New Delhi-45
2. S.C Rana,
S/O Shri Bhagat Ram Rana,
R/O Plot No.17, Gali No.2,
Prem Nagar, Nathu Pura, Burari,
New Delhi.
3. Chander Singh
S/O Shri Masta Singh,
R/O 25/M, Indra Park,
Palam Colony, New Delhi-45
4. Onkar Chand,
S/O Late Shri Roshan Lal,
R/O 31/9, CVD Line,
Near Sadar Bazar, Delhi Cantt.
5. Piar Singh,
S/O Late Shri Salig Ram,
R/O 36/8, CVD Line,
Sadar Bazar, Delhi Cantt.

Applicants

(By Advocate Shri M.K.Bhardwaj)

OA 2405/2004

1. Mazdoor Panchayat of workers of
505, ABW Through its President
Sh.Harpal Singh Dagar,
R/O A-15, Dhansa Road, Gopal Nagar,

Najafgarh, New Delhi.

2. Daryao Singh,
working as Engine Equipment Mechanic,
Section SEG 505, Army Base Workshop,
Delhi Cantt.
3. TP Kuttappan,
Working as Tin and Copper Smith,
Section Machanic Shop, 505 Army Base
Workshop, Delhi Cantt.

..Applicants

(By Advocate Shri M.K.Bhardwaj)

VERSUS

Union of India and Ors through:

1. The Secretary,
Ministry of Defence, South Block,
New Delhi.
2. The Commandant,
505, Army Base Workshop,
Delhi Cantt.
3. The Chief Accounts Officer,
Central Defence Accounts, Western
Command, Chandigarh.

Respondents

(By Advocate Shri Madhav Panikar)

O R D E R (ORAL)

(Hon'ble Shri Shanker Raju, Member (J))

Heard the learned counsel.


2. As these OAs raise similar and identical question of facts and law, they are being disposed of by this common order. Impugned herein is an order passed by the respondents whereby recovery has been effected from the applicants. It is not disputed that before effecting this recovery the applicants have not been issued any notice.


3. It is trite law that when civil consequences visit on Govt.servant, he has to be afforded a reasonable opportunity to show cause as the orders are not passed in compliance with the principles of natural justice, in the eyes of law.

4. In the result, OAs are partly allowed. The impugned orders are quashed. Respondents are directed to refund the applicants the recoveries already made, within a period of two months from the date of receipt of a copy of this order.

However, the respondents are not prevented to proceed in accordance with law.

Copy of this order be placed in OA 2405/2004.


(S.A. Singh)
Member (A)


(Shanker Raju)
Member (J)

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