

Central Administrative Tribunal
Principal Bench

O.A. No. 481 of 1993

New Delhi, dated this the 11th March, 1993

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)In the matter of:

1. Bal Ram
S/o late Shri Chhaju Ram
2. Shri K.R. Verma
S/o Shri Devi Singh
3. Mrs. Balwant Kapoor
w/o late Shri Anil Kapoor
4. Mrs. Asha Kiran
W/o Shri Bilbagh Rai
5. Shri D.S. Bhalla,
S/o Shri Kartar Singh
All working as Clerk Gr.II
O/o the Director, Doordarshan Kendra,
Akashvani Bhawan, New Delhi. ... Applicants
(By Advocate: Shri M.K. Gupta)

Versus

1. Union of India through
the Secretary,
Ministry of Information & Broadcasting,
Shastri Bhawan,
New Delhi.
2. Director,
Doordarshan Kendra,
Sansad Marg,
New Delhi. ... Respondents
(By Advocate: Shri R.V. Sinha)

ORDER (Oral)By Hon'ble Mr. S.R. Adige, Vice Chairman (A)

Heard both sides.

2. Admittedly the impugned order dated 6.2.93 (Ann. A-7) refixing the pay of the applicants to their disadvantage was not issued after giving applicants any opportunity of being heard. There are catena of judgments of Courts, laying down that orders which result in civil

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consequence should be preceded by a reasonable opportunity to those who are affected, of being heard, but manifestly that has not been followed in the present case and under the circumstances the impugned order dated 6.2.93 cannot be sustained in law. Accordingly the same is quashed and set aside.

3. Shri Gupta states that pursuant to the interim order passed on 24.2.93 staying recoveries pursuant to the impugned order, no recoveries have been made from the applicants as yet.

4. This O.A. is disposed of with a direction to Respondents that in the event they propose to modify the applicants' pay as contained in the earlier order dt. 30.1.90 (Ann.6) they shall do so only after giving each of the applicants an opportunity of being heard in person and strictly in accordance with rules, instructions and judicial pronouncements on the subject. No costs.

Lakshmi Swaminathan
(Mrs. Lakshmi Swaminathan)

Member (J)

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

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