

Open Court.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
O.A.No.1265/2001 ALLAHABAD.

(Diary No. 4575 of 2001)

In

original Application No.

this the 2nd day of November 2001.

HON'BLE MR. RAFIQ UDDIN, MEMBER (J)

Uma Shanker, S/o Sri Changa Lal, R/o H.No. 321, Harjindar Nagar, Kanpur.

2. Vishnu Chandra Gupta, S/o Sri Raja Ram Gupta, R/o H.No. 105/504, Anandbagh, Kanpur.

3. Bimal Kant Jha, S/o late Ram Dev Jha, R/o P 20/3 DSC Line, Kanpur Cantt.

4. Ramesh Chandra Sahau, S/o Sri Dhani Ram Sahu, R/o 129, 80ft. Road, Rampuram, Kanpur.

5. Ashok Kumar Yadav, S/o late Pratap Singh Yadav, R/o 42 Meerpur Cantt, Kanpur.

6. Ram Sewak, S/o late Binda Prasad, R/o H.No. 578 Safipur 1st Harjindar Nagar, Kanpur.

Applicants.

By Advocate : Sri K.P. Singh.

versus.

1. Union of India through the Secretary, Ministry of Defence, New Delhi.

2. Engineer-in-Chief, Army Headquarter, Kashmir House, New Delhi.

3. Chief Engineer, Headquarter, Central Command, Lucknow.

4. Commander Works Engineer, Cantt, Kanpur.

5. Garrison Engineer, Military Engineer Services Kanpur.

6. Asstt. Garrison Engineer (I), Research & Development, Kanpur Cantt.

Respondents.

By Advocate : Sri Rajiv Sharma for Sri R.C. Joshi.

ORDER (ORAL)

By means of this O.A., the applicants who are working as class III employees under Asstt. Garrison Engineer, Research & Development, Kanpur, (respondent no.6), have sought the quashing of the order dated 10.1.2001 (Annexure A-1 to the O.A.) and direction to the respondents not to recover the advance amount from the applicants' salary and to pass final adjustment of LTC claims submitted by the applicants.

2. It appears from the record that the applicants submitted their LTC claims before the appropriate authorities, which were after counter checking and verification have not been admitted in audit on the ground that the claims are not made admissible in view of the Government of India letter dated 9.2.98 and vide impugned order, it has been directed that the applicants to deposit the LTC claims alongwith the penal interest @ 14% from the date of drawal to date of recovery.

3. The main grievance of the applicants is that the impugned order having been passed without issuing any show-cause notice or without giving any opportunity of being heard. It is pointed-out by the learned counsel for the applicants that this Tribunal in O.A. no. 980/2001 in re. R.M. Tripathi & Others Vs. Union of India & Others in respect of similarly situated persons quashed the order of recovery on the ground the same was passed without affording any opportunity to the applicants to state their cases before the competent authority and the order is against the principle of natural justice. In the present case, it is also stated that the impugned order having been passed without giving any opportunity to the applicants.

4. On perusal of the impugned order, it indicates that the case of the applicants has not been considered. It

appears that the applicants were not given any notice before passing the impugned order. The impugned order appears to have been passed in contravention of rules and is, therefore, liable to be quashed. The O.A. is therefore, allowed and the impugned order is quashed. The respondents are, however, at liberty to consider and pass appropriate orders on the claim submitted by the applicants after giving them a reasonable opportunity of being heard. There shall be no order as to costs.

Ravinder

MEMBER (J)

GIRISH/-