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CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

Dated: 3.1.95

Original Application No: 498 of 1994

Rajendra Kumar Dubey
Aged about 49 years, S/o Late Shri Srinivas Dubey,
Telephone Operator, GES Section,
Field Gun Factory, Kanpur

.... Applicant.

By Advocate Shri M.A. Siddiqui

Versus

The Union of India & Ors.

.... Respondents.

By Advocate Shri Ashok Mohiley

C O R A M

Hon'ble Mr. T.L. Verma, Member-J

(O R D E R)

The subject matter of challenge in this
O.A. is order dated 5.3.1994 whereby the applicant
has been directed to deposit ~~one advance~~ amount of
Rs. 9,500/- ^{banked} by way of L.T.C. advance together with a
sum of Rs. 1,247/- as panel interest on the amount of
advance failing which, the same will be recovered from
his salary from the month of April 1994

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2. The applicant was working as Telephone Operator, GEC Section of the Field Gun Factory, Kanpur. He applied for availing L.T.C. for the block year, 1990-1993 for performing journey from Kanpur to Kanyakumari and back along with his family members. He was sanctioned LTC advance of Rs. 9,500/- by order dated 29.10.93. The applicant, it is stated, performed the journey from Kanpur to Kanyakumari along with his wife and children by U.P. STDC by Bus No. UHH 1974 on 9.1.1993 and returned from Kanyakumari to Kanpur on 22.1.1993. After performing the journey, he submitted his claim along with 5 journey tickets (Annexures A-2(I) to Annexure A-2(V)).

3. The respondent No. 2 on receipt of the claim submitted by the applicant demanded certain clarification by his letter dated 5.4.1993 (Annexure A-4). The clarifications were furnished by the applicant by reply dated 13.5.1993 (Annexure A.5). It is alleged that after a lapse of about one year from the date of submission of his claim, the respondents have, by impugned order dated 5.3.1994, directed the applicant to deposit the amount of LTC advance together with panel rent there on without giving any opportunity or ^{showing a} show cause on the applicant against, the principle of natural justice. Hence, this application for the reliefs claimed above.

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4. The respondents have resisted the claim of the applicant. In the Written Reply filed on behalf of the respondents, it has been averred that on doubt being entertained about the genuineness of the claim, the applicant was asked to furnish certain informations regarding the journey. The applicant submitted his reply on 8.2.1992. On considering the reply submitted by the petitioner, it was found that his claim was not genuine.

5. The controversy in this application is in a very narrow compass. The applicant has questioned the impugned order mainly on the ground of denial of opportunity to show cause why claim should not be dis-allowed and L.T.C. advance sanctioned be refunded with panel interest.

6. I have heard the learned counsel for the parties. The Supreme Court, in K.I.Shephard's case, has held that the Administrative decisions having civil consequences should abide by the principle of natural justice. The Audi Alterum Portam is the basic concept of the principle of natural justice. The impugned order where by the claim of the applicant has been dis-allowed and he has been directed to refund the amount of LTC advance with panel interest thereon has obviously visited the applicant with civil consequence but he has been given no opportunity to show cause against the refund of the amount with panel interest. There has, thus, been violation of principle of natural justice. Fair play in action warrants that no

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such order which has the effect of an employee suffering civil consequences should be passed without giving notice to the concerned employee and giving him hearing in the matter. Since that was not done, the impugned ~~executed~~ order dated 5.3.1994 cannot be sustained.

7. In the result this application is allowed and the order dated 5.3.1994 is set aside. It will however, be open to the respondents to proceed in the matter afresh in accordance with law. There will be no order as to costs.

J. H. Klein
Member-J

/jw/