

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 27th day of November, 2000

Original Application No.569 of 1999.

CORAM :-

Hon'ble Mr. Justice RRK Trivedi, V.C.

1. Ganesh Prasad Verma,  
S/o Late Gangadin Verma,  
R/o 43/148, Naiyal Bazar (Chawk),  
Kanpur.

2. Raghunath S/o Shri Nand Lal  
R/o 8A, Gopal Nagar, Kanpur.

(Sri Deepak Jaiswal, Advocate)

. . . . . Applicants

Versus

1. Union of India through Ministry of Personnel,  
Public Grievances & Pensions (Department of  
Personnel & Training) North Block, New Delhi.

2. Works Manager (Administration-II)  
Ordnance Parachute Factory, Kanpur.

3. General Manager,  
Ordnance Parachute Factory,  
Kanpur.

(Sri Ashok Mohiley, Advocate)

. . . . . Respondents

ORDER (O r a l)

By Hon'ble Mr. Justice RRK Trivedi, V.C.

By this application filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant has challenged the order dated 24-4-1998 annexed as Annexure-A-5 & A-6 by which recovery of amount of Rs.24,260/- from the applicant no.1 and Rs.16,462/- from the applicant no.2 has been directed on the ground that the journey undertaken by them in Nagaland Bus



has been cancelled. The grievance of the applicants as raised by their counsel is that before passing this order, they were not given any opportunity of hearing and the order which entails serious civil consequences cannot be sustained having been passed in violation of the principles of natural justice. In Paras 13, 19 and 20 of the application this plea has been raised. Sri Ashok Mohiley, learned counsel for the respondents on the other hand submitted that the applicant had full knowledge of the facts and there is no violation of the principles of natural justice. However, Sri Ashok Mohiley could not point out any fact on which basis this can be said that the applicants were served any show cause notice calling from them an explanation as to why this amount should not be recovered from them. As orders have been passed without affording any opportunity of hearing, in my opinion, the applicants are entitled for the relief.

2. For the reasons stated above, the application is allowed. The impugned orders dated 24-12-1998, annexed as Annexures-A-5 and A-6 are quashed. However, it shall be open to the respondents to pass a fresh/reasoned order in accordance with law after giving an opportunity of hearing to the applicant. There will be no order as to costs.

  
Vice Chairman

Dube/