

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Dated : This the 11th day of August 2003.

Original Application no. 813 of 2003.

Hon'ble Mr. Justice R.R.K. Trivedi, Vice-Chairman
Hon'ble Mr. D.R. Tiwari, Administrative Member.

Radha Krishna, S/o late Sri Raghubir,
R/o Vill Ahirauli Baghel South patti, Post
Office Ahirauli Baghel, Distt. Deoria.

... Applicant

By Adv : Sri A.K. Srivastava

Versus

1. Union of India through the Secretary Ministry of Finance, New Delhi.
2. Divisional Railway Manager (Pension)/SPJ, NE Rly., Samastipur Bihar.
3. Financial Adviser & Chief Account Officer/Pension, NE Rly., Division Samastipur-Bihar.
4. Director (Accounts) Postal R.K. Mission Building, Aminabad, Lucknow.
5. Indian Postal Department/Pension through Senior Post Master Deoria Head Post Office Deoria.

..... Respondents

By Adv : Sri RC Joshi & Sri KP Singh

ORDER

Hon'ble Mr. Justice R.R.K. Trivedi, VC.

By this OA, filed under section 19 of the A.T. Act, 1985, the applicant has challenged the order dated 29.4.2003 (Ann A1) by which recovery of the amount of Rs. 35700/- has been directed from the applicant alleging that this amount has been paid in excess as pension.

2. Learned counsel for the applicant has submitted that



.....2/-


2.


before passing the order, no show cause notice or opportunity of hearing was granted to the applicant and the order is violative of principle of natural justice and liable to be quashed.

3. From the order it is clear that no opportunity was granted to the applicant. The legal position in this regard is well settled that before passing any order entailing Serious Civil consequences, opportunity of hearing ought to have been granted to the person concern. As order has been passed violating principle of natural justice, it appears necessary in the interest of justice that respondents may be directed ^{issue} to show cause notice to the applicant and pass an order afresh after giving him opportunity of hearing.

4. For the reasons stated above, the OA is allowed, the respondents are directed to give a show cause notice to the applicant within one month and after receiving his reply, may pass fresh order within three months thereafter. However, Till then the recovery of the amount shall be kept inabeyance. However, the pension shall be paid to the applicant on the basis of amount ^{for which} ~~which is granted to the applicant~~ ^{he has been found entitled, which shall be} subject to order passed in pursuance of this order.

5. There shall be no order as to costs.


Member (A)


Vice-Chairman

/pc/