

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

DATED THE FIRST DAY OF NOVEMBER ONE THOUSAND NINE HUNDRED
AND EIGHTY NINE

PRESENT

HON'BLE SHRI N. V. KRISHNAN, ADMINISTRATIVE MEMBER

&

HON'BLE SHRI N. DHARMADAN, JUDICIAL MEMBER

O.A. 611/89

C. L. Mathew

Applicant

Vs.

1. Union of India represented by
Secretary to Government,
Ministry of Finance, New Delhi

2. The Collector of Central Excise
I. S. Press Road, Cochin-18

Respondents

Mr. M. R. Rajendran Nair

Counsel for
the applicant

Mr. P. V. Madhavan Nambiar, SCGSC

Counsel for
respondents

ORDER

HON'BLE SHRI N. V. KRISHNAN, ADMINISTRATIVE MEMBER

At the last hearing, the respondents were directed to file a statement whether Annexure-I order has been passed after hearing the applicant as it appeared to us that the application could be disposed of without following the detailed procedure as is normally done in such a case.

2. Accordingly, the counsel for the respondents has filed a statement today with a copy to the counsel for the applicant. It is stated therein that before the impugned order dated 26.9.89 (Annexure-I) was passed, directing the recovery of over payment of Rs. 5425 and

refixation of his pay on a lower level, pending regularisation of pay fixation, the applicant was not heard. It is stated that the representation dated 28.8.89 (Annexure-IV) alleged to have been submitted by the applicant has not also been received by the respondents. It is also stated that a representation, if received, would be considered.

3. We have heard the counsel on either side.

4. In the circumstances, the ends of justice will be served if a direction is issued to the respondents to issue a notice to the applicant stating the reasons on account of which they consider that there has been an over payment and also the reason for re-fixation of his pay so that he gets an adequate opportunity to make a proper representation. On receipt of such a notice from the respondents, the applicant may file a detailed representation within 15 days thereof to the respondents placing all such grounds, including the grounds raised in this application. The respondents are then directed to dispose of this representation on merits, in accordance with law. It is ordered accordingly.

5. Pending passing of a final order in the above manner, the respondents shall not implement in any manner the impugned order dated 28.9.89 (Annexure-I). It is also clarified that the respondents are at liberty to pass appropriate orders after following the procedure as indicated above, either affirming the impugned order at

Annexure-I or modifying it or rescinding it.

6. The application is disposed of with the aforesaid directions.

7. There will be no order as to costs.


(N. Dharmadan)
Judicial Member

11/11/89


(N. V. Krishnan)
Administrative Member

kmm