

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

DATED THURSDAY, THE TENTH DAY OF AUGUST ONE
THOUSAND NINE HUNDRED AND EIGHTY NINE

PRESENT

HON'BLE SHRI S.P.MUKERJI, VICE CHAIRMAN
&
HON'BLE SHRI N.DHARMADAN, JUDICIAL MEMBER

ORIGINAL APPLICATION NO.228/89

V.S.Ranjitkumar - Applicant
V.

1. Accounts Officer, Office of
the Telecom, District Engineer,
Alleppey.

2. The General Manager,
Telecommunications,
Kerala Circle, Trivandrum.

3. The Deputy Director of Accounts,
Post & Telegraphs,
Trivandrum.

Respondents

Mr K.R.B.Kaimal - Counsel of the
applicant

Mr K.P.Thangakoya Thangal, ACGSC - Counsel of the
respondents

O_R_D_E_R

(SHRI S.P.MUKERJI, VICE CHAIRMAN)

In this application dated 13.3.1989, filed under
Section 19 of the Administrative Tribunals Act, the
applicant, who is working as Technical Supervisor,
Telephone Exchange, Alleppey has challenged the impugned
order dated 17.2.1989(Annexure-A1) by which the earlier
order dated 4.2.1987 at Annexure-A4, giving him certain
benefits for the purpose of pay fixation has been cancelled.
Without going into the merits of the case and having heard
the learned counsel for both the parties, we find that

admittedly, the earlier order dated 4.2.1987, giving the applicant certain benefits of pay fixation was withdrawn to his disadvantage on 17.2.1989 by the impugned order without giving any notice to him. The learned counsel for the applicant indicated that the earlier order dated 4.2.1987 was issued by the respondents on the basis of the representation which had been filed by him, A copy of the representation is at Annexure-A3. It is also obvious that the applicant had been allowed to enjoy the benefits of the earlier order dated 4.2.1987 for more than 2 years after which, the impugned order was passed. The main justification adduced by the learned counsel for the respondents is that the impugned order was passed to rectify a mistake, which had been pointed out by the Audit, order dated 4.2.1987. Does it mean that since the impugned order purported to withdraw certain financial benefits which had been given to the applicant, the principles of natural justice and fair play warranted that before the impugned order, withdrawing the benefits given two years earlier, is ~~is~~ a show cause notice should be given to the applicant and a final order passed after taking into account whatever arguments the applicant had to advance in support of the earlier order passed on the basis of his own representation.

2. In the circumstances as indicated above, we allow the petition to the extent of setting aside the impugned order dated 17.2.1989 and directing the respondents to give a show cause notice to the applicant for withdrawing the order dated 4.2.1987 at Annexure-A4. The show cause notice should be issued to the applicant within a period of one month from the date of communication of the order and the applicant, if so advised, should send a representation within one month thereafter. The respondents should take a final decision about withdrawing the order dated 4.2.1987, after considering the representation within a period of one month from the date of receipt. We also direct that status quo be maintained till the disposal of representation of the applicant on the above lines is effected.

3. There will be no order as to costs.


(N. DHARMADAN)

JUDICIAL MEMBER

10/8/89


(S.P. MUKERJI)

VICE CHAIRMAN

10-8-1989

trs