

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A. No. 254 of 1996.

Friday this the 8th day of March, 1996.

CORAM:

HON'BLE MR. JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR. P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

1. N. Sriharshan,
Technical Officer (T-5),
Central Institute of Fisheries
Technology, Matsyapuri P.O.,
Cochin-682 029.

2. A.K. Jaisingh,
Technical Assistant (T-I-3),
Central Institute of Fisheries
Technology, Matsyapuri P.O.,
Cochin-682 029.

.. Applicants

(By Advocate Shri P.V. Mohanan)

Vs.

1. The Director General,
Indian Council of Agricultural
Research, Krishi Bhavan,
Dr. Rajendra Prasad Road,
New Delhi-110 001.

2. The Director,
Central Institute of Fisheries Technology,
Matsyapuri PO, Cochin.29.

.... Respondents

(By Advocate Mr. P.Jacob Varghese)

The application having been heard on 8th March, 1996
the Tribunal on the same day delivered the following:

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Applicants challenge A3 and A4 orders. A3 states:

"...stagnation increments and its allowances
for the period from 6.93 to 12.95 will have
to be recovered from him..."

contd...

A4 states:

"...granting of stagnation increment in the instant case has been objected by the Local Audit Party and hence referred to Council for guidance..."

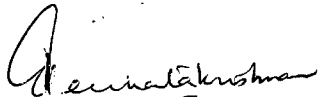
2. Challenge against A4 is premature because it implies nothing adverse to second applicant. As far as A3 is concerned there is a proposal to effect recovery from first applicant's pay.


3. Curiously enough and as is not unusual, an order leading to adverse consequences is not even preceded by a show cause notice. We would also like to point out that an opinion by an audit party has no force of law like the decree or order of a court.

4. No decision depriving property (money) can be taken without notice and adjudication. We are told by Standing Counsel for respondents that the Indian Council of Agricultural Research is examining the matter and that they are taking a decision in the matter. They will take a decision within six months from today. Before taking a final decision, they will issue notices to affected parties regarding the proposal and consider their objections. Until such decision is taken, recovery will not be effected.

5. Original Application is disposed of with the aforesaid directions. No costs.

Dated the 8th day of March, 1996.


P.V. VENKATAKRISHNAN
ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

LIST OF ANNEXURES

1. Annexure A-3: True copy of the proceedings No. F.10-4/95-Bills dated 5.2.96 issued by the 2nd respondent.
2. Annexure A-4: True copy of the Audit Objection No.F.4-2/95-Cdn. dated 30.6.1995 issued by the 2nd respondent.

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