

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No. 338 of 1996

Friday this the 19th day of April, 1996.

CORAM

HON'BLE MR.JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN
HON'BLE MR. P.V.VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

K.A.Gireesakumaran Nair,
Goods Driver,
Southern Railway,
Quilon residing at Karuvatta,
Manikanteswaram PO, Trivandrum.13. Applicant

(By Advocate Mr. T.C.Govindaswamy)

Vs.

1. Union of India through the
General Manager, Southern Railway,
Park Town PO, Madras.3.
2. The Divisional Railway Manager,
Southern Railway, Trivandrum Divn.
Trivandrum.14.
3. The Divisional Personnel Officer,
Southern Railway, Trivandrum Divn.
Trivandrum.14. Respondents

(By Advocate Mr. PN Santhosh for KV Sachidanandan)

The application having been heard on 19.4.1996, the
Tribunal on the same day delivered the following:

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Applicant seeks to quash A-1 order by which
the third respondent informed him that it had been:

"decided that the above over payment will be
recovered in 20 instalments from your salary...."

The order makes no reference to any show cause notice
preceding it, or any pre-decisional hearing. The order
does not even indicate on what account or under what
circumstance, overpayment had been made. It would only
say:

"that an over payment of Rs.7489/- has been
made to you."

2. Orders quantifying liability and contemplating recovery without notice, have come to our notice in large numbers, of late. Therefore, we directed respondents to show cause why the application should not be allowed with exemplary costs.

3. Cause has been shown but, dodging the issue.

It is said:

"A-1 letter was issued to the applicant as a notice only...."

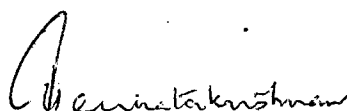
A notice and an order are far apart, and the distinction is obvious. A-1 is a decision and not a notice, for it says:

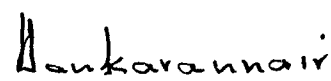
"it is decided that the over payment will be recovered...."

After making a patent mistake instead of candidly owning it up, respondents made an attempt to gloss over an obvious wrong. Public authorities should realise that pre-decisional hearing is mandatory, when orders are passed imposing adverse civil consequences on an official.

4. A-1 order is glaringly violative of the basic principles of natural justice. We quash the same and allow the Original Application. For an obvious error of respondents, applicant had to move this Tribunal incurring avoidable expenses. Respondents will pay Rs.1000/- (Rupees one thousand) as costs to the applicant in this proceedings.

Dated the 19th day of April, 1996.


P.V.VENKATAKRISHNAN
ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

LIST OF ANNEXURE

1. Annexure A1: A true copy of the letter No.V/P 483/
IV/A dated 27.2.1996 issued by the third respondent.

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