

Central Administrative Tribunal, Lucknow Bench, Lucknow

Original Application No.15/2004

This the 20th day of March , 2009

Hon'ble Mr. Shankar Raju, Member (J)

Hon'ble Mrs. Veena Chhotray, Member (A)

1. Babu Ram Avasthi son of Sri Govind Prasad Avasthi
G.D.S.D.A., Sub Post Office, Isanagar Tahsil,
Dhaurahra, District- Kheri.
2. Rampal Singh son of Sooraj Pal Singh G.D.S.M.P.
Khamaria Kalan, Sub Post Office , Isanagar, Tahsil
Dhaurahra , District Kheri.
3. Chandrapal Singh son of Hanuman Singh G.D.S.M.P.
Ganeshpur, Sub Post Office Isanagar, Tehsil Dhaurahra,
District Kheri.
4. Rameshwar Dayal Yadav son of Badri Prasad
G.D.S.M.P., Moondi Sub Post Office, Isanagar, Tehsil
Dhaurahara District- Kheri.
5. Zakir Ali son of Ashraf Ali G.D.S.M.P., Badalipur Sub
Post Office- Isanagar, Tehsil Dhaurahr District- Kheri
6. Waris Ali, son of Wazid Ali, Firozabad, Sub Post Office,
Isanagar, Tahsil Dhaurahra, District Kheri.
7. Duleraj Singh Son of Prathvipal Singh G.D.S.M.P. ,
Ramlok Kabirha Accounts Office Isanagar, Tahsil
Dhaurahra, District Kheri.

Applicants

By Advocate: None

Versus

1. Union of India through the Secretary, Department of
Posts, New Delhi.
2. Director General, Department of Posts, New Delhi.
3. Chief Post Master General, Uttar Pradesh Circle, Lucknow.
4. Superintendent of Post Office, Lakhimpur Kheri.

Respondents

By Advocate: Sri S.P. Singh

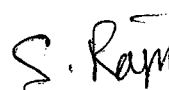
ORDER (ORAL)

HON'BLE SHRI SHANKAR RAJU, MEMBER (J)

It is admitted on record that before rejection of pay and recovery thereof applicant was not afforded an opportunity, which is in violation of principles of natural justice. It has been held by the Apex Court in ***Sahara India, Lucknow v. C.I.T.***, 2008 (3) AJW 847 that when civil consequences ensue upon a government servant it is mandatory to issue him a show cause notice. Accordingly the OA is allowed. Impugned order is set aside. Respondents are directed to refund the recovered amount to applicant. However, the liberty is accorded to the respondents to take up the proceedings in accordance with law. No costs.



(Veena Chhotray)
Member (A)



(Shankar Raju)
Member (J)