

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH, LUCKNOW

OA 59/2005

This the 26<sup>th</sup> day of April, 2005

Hon'ble Shri Shanker Raju, Member (J)  
Hon'ble Shri M.K. Misra, Member (A)

Dr. (Miss) Bandana Gupta  
D/o Shri Ishwar Saran Gupta  
working as Hindi Translator  
T-4, Office of respondent No.1  
R/o C-2302, Indira Nagar, Lucknow

...Applicant

(By Advocate Shri A. Moin)

v e r s u s

1. Indian Council of Agricultural Research  
Krishi Bhawan, New Delhi through Director  
General.
2. Indian Institute of Sugarcane Research  
Rae-Bareilly Road through Director.

...Respondents

(By Advocate Shri Deepak Shukla  
proxy for Shri P. Kumar)

**O R D E R (ORAL)**


**By Shri Shanker Raju,**

After hearing learned counsel, we find that the applicant who was placed in T-4 grade was reverted retrospectively to T-3 with reduction of pay and consequent recovery. It is trite law that before the civil consequences are ensued upon the government servant, he has to be afforded a reasonable opportunity to show cause as held by the Apex Court in the case of **D.K. Yadav v. J.M.A. Industries** (AIR (1993) SC 2444).

2. In this view of the matter, as we find that no opportunity is afforded to the applicant, impugned order is quashed. Respondents are directed to refund to the applicant the recovered amount if recovery had already effected and issue a show cause notice to the applicant and on its reply, dealing with all the contentions, pass a reasoned order and in that event, law shall take its own course.

3. OA stands disposed of in the aforesaid terms.

  
(M.K. Misra)  
Member (A)

  
(Shanker Raju)  
Member (J)

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OR.  
Copy of order  
sent to  
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27/4/05