

**Central Administrative Tribunal  
Lucknow Bench, Lucknow**

O.A.No.146/2005

This the 19<sup>th</sup> day of March 2009

**Hon'ble Shri Shanker Raju, Member (J)**  
**Hon'ble Smt. Veena Chhotray, Member (A)**

Kishan Singh aged about 63 years son of late  
Hari Singh, resident of House No.26/13, Wazir Hasar  
Road, Lucknow

...Applicant

(By Advocate: Surendran P.)

Versus

1. Union of India, through the Secretary  
Ministry of Information & Broadcasting, New Delhi
2. Director General of Door Darshan, Doordarshan Bhawan  
Copernicus Marg, New Delhi
3. Director, Doordarshan Kendra, Lucknow

..Respondents

(By Advocate: Shri S.K. Tewari)

**O R D E R (O R A L)**

**Shri Shanker Raju:**

Post-retirement recovery is being assailed on the ground that no prior reasonable opportunity to show has been granted to the applicant and the penalty has been imposed without due process of law. It is stated that the said recovery has already been deposited by the applicant.

2. In the light of decision of Apex Court in **Babulal Jain v. State of M.P.**, (2007) 6 SCC 180, such a procedure cannot be countenanced in law.

3. In this view of the matter, this OA is disposed of with a direction to the respondents to issue a show cause notice to the applicant for recovery. As it is stated that the amount has already been deposited by the applicant, the same shall remain subject to the outcome to be arrived at on representation of the applicant. In case there is no decision to recover the amount, the same shall be refunded to him. No costs.

*hchotray*  
( Veena Chhotray )  
Member (A)

*S. Raju*  
( Shanker Raju )  
Member (J)

/sunil/