

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

OA 60/2005

This the 26th day of April, 2005

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

1. Shri Khursheed Ahmed
S/o Late Murtaza Khan
R/o B-20, Ikshupuri Colony
Lucknow.
2. Raj Nath Sharma
S/o late K.L. Sharma
R/o 5/134, Ruchi Khand-1
Sharda Nagar, Lucknow.
3. Puran Lal, S/o Late Shri Bhudai
R/o New Colony, Bedaria Ka Kheda
Post Office Barawan Kala, Lucknow.
4. Pyare Lal, S/o Late Kheru RAM
R/o 591/105, New Colony, Utratia
Rae Bareli Road, Lucknow.
5. Brij Kishore, S/o Shri Ram Narain
R/o 587/60A, Gandhi Nagar Telibagh
Lucknow.

...Applicants

(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-Bareli Road through Director.

...Respondents

(By Advocate Shri Deepak Shukla
proxy for Shri Rajender Singh)

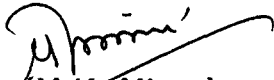
O R D E R (ORAL)

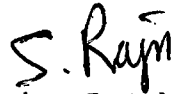
By Shri Shanker Raju,

After hearing learned counsel, we find that the applicants who were placed in T-2 grade were reverted retrospectively to T-1 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).

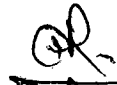
2. In this view of the matter, as we find that no opportunity is afforded to the applicants, impugned order is quashed. Respondents are directed to refund to the applicants the recovered amount if recovery had already effected and issue a show cause notice to the applicant and on its reply, dealing with 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)

/vikas/


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per @ on 27/4/05
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