

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
.....

Commercial Complex(BDA),
Indiranagar,
Bangalore- 560 038.

Dated: 4-11-87

APPLICATION NO. 735 /87 (F)

W.P.No. _____

APPLICANT

Vs

RESPONDENTS

Shri M.A. Pushpangadan
To

The Asst. Personnel Officer, Regional Centre
for Exploration & Research, Atomic Minerals
Divn. Bangalore & 3 Ors

1. Shri M.A. Pushpangadan
No. 310, Muniyappa Layout
Murugesh Palya
Bangalore - 560 017
2. Shri S.K. Srinivasan
Advocate
35 (Above Hotel Swagath)
1st Main, Gandhinagar
Bangalore -560 009
3. The Asst. Personnel Officer
Regional Centre for Exploration
and Research
Atomic Minerals Division
(Southern Region)
Department of Atomic Energy
Nagarbhavi
Bangalore -560 072
4. The Senior Administrative &
Accounts Officer
Atomic Minerals Division
Begumpet
Hyderabad -16

5. The Director
Atomic Minerals Division
Begumpet
Hyderabad - 16
6. The Secretary to Govt. of India
Department of Atomic Energy
Chatrapathi Shivaji Maharaj Marg
Bombay
7. Shri M. Vasudeva Rao
Central Govt. Stng Counsel
High Court Buildings
Bangalore -560 001

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~XXXX~~

~~XXXX~~ passed by this Tribunal in the above said application
on 27-10-87.

RECEIVED

Diary No. 1383/13-18

Date: 6/11/87

Encl: as above.

SECTION OFFICER
(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE

DATED THIS THE 27TH DAY OF OCTOBER, 1987

Present: Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman
and
Hon'ble Shri L.H.A. Rego, Member (A)

APPLICATION NO. 735/87

Shri M.A. Pushpangadan,
No.310, Muniyappa Layout,
Murugesn Palya,
Bangalore.

.... Applicant.

(Shri S.K. Srinivasan, Advocate)

v.

1. The Asst. Personnel Officer,
Regional Centre for Exploration
and Research,
Atomic Minerals Division,
(Southern Region),
Department of Atomic Energy,
Nagarbhawe,
Bangalore.
2. The Senior Administrative and
Accounts Officer,
Atomic Minerals Division,
Begummet,
Hyderabad.
3. The Director,
Atomic Minerals Division,
Begumpet,
Hyderabad.
4. The Secretary,
to Government of India,
Department of Atomic Energy,
Chatrapathi Shivaji Maharaj Marg,
Bombay.

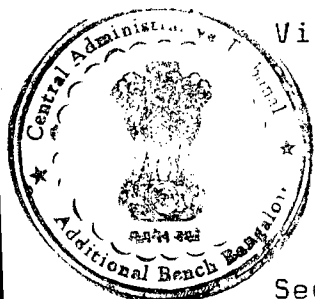
.... Respondents.

(Shri M. Vasudeva Rao, CGASC)

This application having come up for hearing to-day,
Vice-Chairman made the following:

ORDER

This is an application made by the applicant under
Section 19 of the Administrative Tribunals Act, 1985.



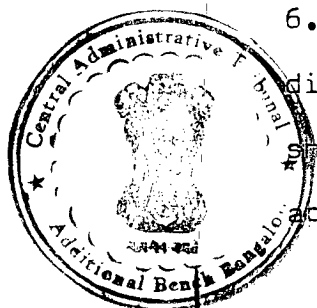
2. At the material time the applicant was working as an Upper Division Clerk (UDC) in the Office of Regional Centre for Exploration and Research, Atomic Minerals Division, Southern Region, Nagarabavi, Bangalore. His pay as an UDC was fixed at Rs.530 in the time scale of Rs.425-640. But by later order made on 13.3.1985, 23.7.1987 and 13.8.1987 that pay had been refixed at Rs.545 and recoveries directed from the applicant. Hence this application inter-alia on the ground that the same was violative of the principles of natural justice.

3. In justification of the orders made the Respondents have filed their reply.

4. Shri S.K. Srinivasan learned counsel for the applicant contends that the refixation made and recoveries directed without issuing a show-cause notice and affording an opportunity to the applicant to state his case was violative of principles of natural justice and illegal. In support of his contention Shri Srinivasan strongly relies on the ruling of Supreme Court in STATE OF ORISSA v. BINA PANI, (AIR 1967 SC 1269).

5. Shri M. Vasudeva Rao, learned counsel for the respondents sought to support the orders of the respondents.

6. An examination of the orders made by the authorities disclose that they had made the same without issuing a show-cause notice and affording an opportunity to the applicant to state his case, which fact also is not



disputed by the respondents in their reply. If that is so, then the impugned orders are violative of the principles of natural justice and illegal as ruled in Binapani's case reiterated in all other cases. On this short ground the impugned orders are liable to be quashed. We, therefore, quash the impugned orders. But this does not prevent the respondents from re-doing the matter in accordance with law.

7. Application is disposed of in the above terms. But in the circumstances of the case, we direct parties to bear their own costs.

Sd/-
Vice-Chairman 27/10/81

Sd/-
Member (A) 27.10.81

" True Copy "

bsv/Mrv.



Holl
SECTION OFFICER H/V
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE