

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
.....

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

Dated: 27-10-87

APPLICATION NO 315 /87 (F)

W.P.No. _____

APPLICANT

Vs

RESPONDENTS

Shri H.V. Narayanaswamy
To

The GM, Telecommunication, Karnataka Circle

1. Shri H.V. Narayanaswamy
Junior Engineer
Office of the Assistant Engineer(Rural)
South Bangalore Telephone Exchange
Kengeri
2. Shri Chandrakanth Goulay
Advocate
90/1, 2nd Block
Thyagarajanagar
Bangalore - 560 028
3. The General Manager
Telecommunication
Karnataka Circle
Bangalore - 560 009
4. 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/~~STAY~~/

~~INTERIM ORDER~~ passed by this Tribunal in the above said application
on 8-10-87.

RECEIVED 4 Copies 28/10/87

Diary No. 1366/CR/87

Issued Date: 30/10/87

Encl: as above.

for 
DEPUTY REGISTRAR
(JUDICIAL)

gc

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 8TH 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. 315/87

Sri H.V. Narayanaswamy,
S/o H. Vijayanarasimhaiah,
aged 54 years, Junior Engineer,
O/o the Assistant Engineer (Rural),
South Bangalore, Telephone Exchange,
Kengeri.

.... Applicant.

(Shri Chandrakanth Goulay, Advocate)

v.

The General Manager,
Telecommunication,
Karnataka Circle,
Bangalore.

.... Respondent.

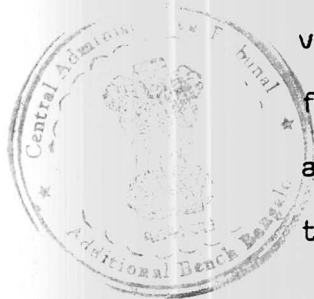
(Shri M. Vasudeva Rao, CGASC).

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

O R D E R

In Review Application No.114/87, we have re-called
our earlier order dated 9-7-1987 made in this application
viz., 315/87 and directed its restoration to its original
file. With the consent of both sides, we treat this
application so restored, as posted for regular hearing
to-day.

2. In this application made under Section 19 of the
Administrative Tribunals Act, 1935 ('the Act'), the



applicant has challenged the order dated 14.11.1986 (Annexure-C) of the Divisional Engineer, Telephones, Bangalore (DET) communicating the decision of the Director General, Posts and Telegraphs (DGPT) thereto made against him.

3. The applicant who initially joined service as a Phone Inspector in due course was promoted as a Selection Grade Phone Inspector and then as a Junior Engineer. On his promotion as Junior Engineer, the pay of the applicant was fixed at Rs.515/- in the scale of Rs.425-700 with which he had no grievance. But the DGPT on the view that the same was impermissible had directed the re-fixation of his pay at Rs.485/- and the recovery of the differences already paid to the applicant. Hence this application.

4. Among other grounds the applicant had asserted that making their adverse against him, he was not afforded an opportunity of hearing as required by principles of natural justice which is not denied in the reply filed by the respondents.

5. Shri Chandrakanth Goulay, learned Counsel for the applicant contends that the orders made by the DGPT and DET which result in serious civil consequences to his client without providing him an opportunity of hearing was violative of principles of natural justice and illegal. In support of his contention Shri Goulay strongly relies on the ruling of the Supreme Court in BINA PANI vs. STATE OF ORISSA (AIR 1967 SC 1269).



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

7. We have earlier noticed that the authorities before making their adverse orders against the applicant had not afforded him an opportunity of hearing. The denial of such an opportunity per se makes them illegal as held by the Supreme Court in BINA PANI vs. STATE OF ORISSA. On this short ground it is necessary to quash the orders reserving liberty to the competent authority to redo the matter in accordance with law.

8. In the light of our above discussion, we allow this application, and quash the impugned order dated 14.11.1986 of the DET. But this order does not prevent that authority, or any other competent authority from redoing the matter in accordance with law. But in the circumstances of the case, we direct the parties to bear their own costs.



Sd/-

Vice-Chairman

18/11/87

Sd/-

Member (A) T.S.R.S.

- True copy -

dms/Mrv.

for DEPUTY REGISTRAR
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE