

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex(BDA)
Indiranagar
Bangalore - 560 038

Dated : 8 JUN 1988

APPLICATION NOS. 681 to 686 /88(F)

W.P. NO. _____

Applicant

Shri N. Satyanarayana Rao & 5 Ors
To

1. Shri N. Satyanarayana Rao
 2. Shri H.N. Chandrasekhar
 3. Shri A.G. Patankar
 4. Shri M.S. Ganesha Rao
 5. Shri M.S. Shambulinga
 6. Shri M. Seetharama Holla
- (Sl Nos. 1 to 6 -

Senior Auditors/Accountants
Office of the Accountant General
(Accounts & Entitlements)
Karnataka, Bangalore - 560 001)

7. Dr M.S. Nagaraja
Advocate
35 (Above Hotel Swagath)
1st Main, Gandhinagar
Bangalore - 560 009

Respondent

V/s The AG (A&E), Karnataka, Bangalore & 2 Ors

8. The Accountant General
(Accounts & Entitlements)
Karnataka, Bangalore - 560 001
9. The Accountant General (Audit - I)
Karnataka
Post Bag No. 5398
Bangalore - 560 001
10. The Accountant General (Audit-II)
Karnataka
Post Bag No. 5398
Bangalore - 560 001
11. Shri M. Vasudeva Rao
Central Govt. Stng Counsel
High Court Building
Bangalore - 560 001

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~BY~~ ~~ORDER~~ ORDER
passed by this Tribunal in the above said application on 30-5-88.

Encl : As above

DEPUTY REGISTRAR
(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 30TH DAY OF MAY, 1988

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

APPLICATION NOS. 681 TO 686/1988

1. Shri N. Satyanarayana Rao,
Aged 46 years,
2. Shri H.N. Chandrasekhar,
Aged 40 years.
3. Shri A.G. Patankar,
Aged 39 years.
4. Shri M.S. Ganesha Rao,
Aged 43 years.
5. Shri M.S. Shambulinga,
Aged 39 years.
6. Shri M. Seetharama Holla, ... Applicants in A.Nos.
Aged 39 years. 681 to 686/1988.

(Applicants 1 to 6 are working as
Sr. Auditors/Accountants in the
O/o the Accountant General,
Karnataka, Bangalore)

(Dr. M.S. Nagaraja, Advocate)

v.

1. The Accountant General
(Accounts & Entitlements),
Karnataka, Bangalore.
2. The Accountant General (Audit-I),
Karnataka, Bangalore.
3. The Accountant General (Audit-II),
Karnataka, Bangalore. ... Respondents.

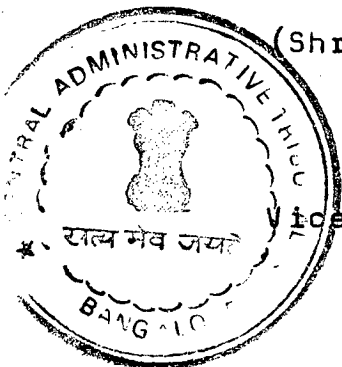
(Shri M. Vasudeva Rao, C.G.A.S.C.)

These applications having come up for hearing to-day,

Vice-Chairman made the following:

O R D E R

These are applications made by the applicants under
Section 19 of the Administrative Tribunals Act, 1985.



2. The applicants who are permanent employees in the Office of the Accountant General, Karnataka Bangalore (AG) were deputed for service in the State Excise Department of the Government of Karnataka for different periods. When they were on such deputation with the Government of Karnataka they have been paid ad+hoc bonus, allowed to Central Government employees. But notwithstanding this, the AG, by ^{se}parate but identical orders made, has called upon the applicants to refund the ad+hoc bonus paid to them by Karnataka Government and the applicants have challenged them before us (Annexure A5 to A10).

3. Among others, the applicants have urged that the AG had made his orders without issuing them show cause notices and affording them an opportunity of hearing, which is not denied by the respondents. in their reply,

4. Dr. M.S. Nagaraja, learned Counsel for the applicants, contends, that the orders made by the AG directing recoveries even assuming that, it was open to him to do so, without issuing show cause notices and affording them an opportunity of hearing was violative of one of the basic components of natural justice, namely audi alteram partem and illegal. In support of his contention, Dr. Nagaraja strongly relies on the ruling of the Supreme Court in STATE OF ORISSA v. BINAPANI (AIR 1967 SC 1269).



5. Shri M. Vasudeva Rao, learned Additional Central Government Standing Counsel, appearing for the respondents, sought to support the impugned orders.

6. Without any doubt, the impugned orders made by the AG results in serious civil consequences against the applicants. We have earlier noticed ~~that~~ the assertion of the applicants that before calling upon them to refund the amount drawn by them, they had not been issued with show cause notices and afforded an opportunity of hearing. As pointed out, by the Supreme Court in BINAPANI's case, orders resulting in serious civil consequences cannot be made, without complying with ~~the~~ ^{de} one of the basic components of natural justice, namely audi alteram partem. On this short ground, the impugned orders are liable to be quashed without examining all other questions.

7. In the light of our above discussion, we allow these applications and quash the impugned orders (Annexures A5 and A10) with no orders as to costs.



8. Applications allowed.

sd/-
VICE-CHAIRMAN *[Signature]*
TRUE COPY

sd/-
MEMBER(A) *[Signature]* 20.5.98

dms/Mrv.

[Signature]
DEPUTY REGISTRAR (JDL)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE