

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

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Commercial Complex (BDA)
 Indiranagar
 Bangalore - 560 038

Dated : 24 JUN 1988

APPLICATION NOS. 874 & 876 /88(F)

W.P. NO.

Applicant(s)

Smt S.N. Lalitha & another
 To

v/s

The Joint Director of Census Operations in
 Karnataka, Bangalore & another

1. Smt S.N. Lalitha
 Computer
 Office of the Joint Director of
 Census Operations in Karnataka
 21/1, Mission Road
 Bangalore - 560 027
2. Shri Abraham Verghese
 Computer
 Office of the Joint Director of
 Census Operations in Karnataka
 21/1, Mission Road
 Bangalore - 560 027
3. Shri K. Prabhakar
 Advocate
 No. 14, 1st Floor, Vani Vilas Road
 Basavanagudi
 Bangalore - 560 004

4. The Joint Director of Census
 Operations in Karnataka
 21/1, Mission Road
 Bangalore - 560 027
5. The Secretary
 Ministry of Home Affairs
 North Block
 New Delhi - 110 001
6. 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 ~~STAY / INTERIM ORDER~~
 passed by this Tribunal in the above said application(s) on 20-6-88.

Encl : As above

O/C

R.V. Venkatesh
 DEPUTY REGISTRAR
 (JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 20th DAY OF JUNE, 1988

Present : Hon'ble Sri RAMAKRISHNA RAO

Member (J)

APPLICATION Nos.874 & 876 of 1988

1. Smt. S.N.Lalitha,
W/a Computer,
O/o the Lt.Director of
Census Operation, No.21,
Mission Road, B'llore- 27.

2. Abraham Verghese,
W/a Computer,
O/o the Lt.Director of
Census Operation, No.21,
Mission Road, B'llore-27. ...

Applicants

(Sri K.Prabhakar ... Advocate)

vs.

1. The Lt.Director of Census,
No.21/1, Mission Road,
Bangalore - 27.

2. The Secretary, M/o Home
Affairs, New Delhi - 1. ...

Respondents

(Sri M.Vasudeva Rao ... Advocate)

These applications have come up before the
Tribunal today for hearing. Hon'ble Member (J) made the
following :

O R D E R

The applicants in these applications have
challenged the legality and the validity of memo No. ADM
132 EST 82 dated 27.10.1987 and order No. ADM 152 EST 82
dated 8.2.1987 of Respondent 1 directing recovery of the
excess amounts paid to the applicants from his salary and
allowances and refixing the same as stated in the afore-
said order.

2. Sri K.Prabhakar learned counsel for the
applicants submits that the impugned memo and similar



order were the subject matter of challenge in A.Nos. 305-309/88 before this Tribunal. In its order dated 30.3.88, this Tribunal held that the impugned order therein, analogous to the order in the present applications, was not legally sustainable since it was passed in contravention of the principles of natural justice viz., audi alterum partem. Sri Prabhakar therefore prays for similar relief to the applicants.

3. Sri M.V.Rao, learned counsel for the respondents, opposed the applications and seeks further time of 14 days for filing reply to the applications.

4. I am satisfied that the prayers in the applications before me are in pari materia with those in the applications disposed of by this Tribunal on 30.3.1988 and there is no necessity for granting further time.

5. Sri Rao submits that the stepping up of pay under FF 22(c) was not in conformity with FF 22 (c) and therefore refixation and reduction of pay of the applicants proposed in the impugned memo and order are not arbitrary.

6. I have considered the matter carefully. The legal position is well settled that if the stepping up of the pay of the applicants has not been done in conformity with the rules, it is open to the respondents to cancel the orders and direct recovery of the amounts paid in excess. Equally well settled is the proposition that before cancelling such orders an opportunity should be afforded to the aggrieved applicants.



7. I am satisfied that the ratio of the decision of this Tribunal dated 30.3.1988 is applicable to the present cases and the impugned memo and order are, accordingly, set aside.

8. Sri Prabhakar brings to my notice that before the impugned memo and order were stayed, certain amounts were already recovered. Respondents are directed to refund to the applicants the amounts so recovered on or before 20.7.1988.

In the result the applications are allowed.

There shall be no order as to costs.

Sd/-

MEMBER (J)
(CH. RAMAKRISHNA RAO)

an.

TRUE COPY

B. Venkatesh
DEPUTY REGISTRAR (JDL) *m/s*
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE