

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-560 038.

Dated:- 21 APR 1994

APPLICATION NUMBER: 257 of 1994

APPLICANTS: Y.C. Jayaveerappa RESPONDENTS: Director, AIR
T.O. Bangalore & others

1) Dr. M.S. Nagaraja, Advocate
No. 11, Sujatha Complex,
Gandhinagar, Bangalore. 560 009.

2) The Director,
All India Radio,
Bangalore- 560 001.

3) Sri G. Shantappa,
Standing Counsel for Central Govt.
High Court Buildings,
Bangalore. 560001.

Subject:- Forwarding of copies of the Orders passed by the
Central Administrative Tribunal, Bangalore.

Please find enclosed herewith a copy of the ORDER/
STAY ORDER/INTERIM ORDER/, passed by this Tribunal in the above
mentioned application(s) on 12-4-1994

Issued on

22/4/94

R

of

S. Shantappa, 22/4
for DEPUTY REGISTRAR
TIN TCTAI BRANCHES

CENTRAL ADMINISTRATIVE TRIBUNAL,
BANGALORE BENCH.

ORIGINAL APPLICATION NO. 257/ 1994

TUESDAY, THE 12TH DAY OF APRIL, 1994

Shri V. Ramakrishnan

... Member (A)

Shri A.N. Vujjanaradhya

... Member (J)

Shri Y.C. Jayaveerappa
Aged 39 years,
S/o Shri Chandrasekarappa
Suguna Nilaya, Abbigere,
Jalahalli,
Bangalore - 560 013.

... Applicant

(By Advocate Dr. M.S. Nagaraja)

Vs.

1. The Director,
All India Radio,
Bangalore - 560 001.

2. The Director General,
All India Radio,
Akashvani Bhavan,
Parliament Street,
New Delhi.

3. Union of India
represented by
Secretary to Government,
Ministry of Information &
Broadcasting, Govt. of India,
New Delhi.

... Respondents

(By Advocate Shri G. Shanthappa,
Standing Counsel for Central Govt.)

O R D E R

Shri V. Ramakrishnan, Member (A)

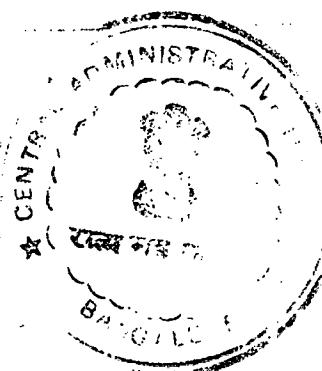
We have heard Dr. M.S. Nagaraja for the applicant and Shri G. Shanthappa for the department. Dr. Nagaraja makes various submissions as to the legal entitlement of the applicant to continue to get personal pay of Rs. 25/- in the re-employed post. He also emphatically states



that the orders of the department dated July 13, 1993 as at Annexure A-3 and the order dated 4.1.94 as at Annexure A-4 were passed unilaterally by the department taking away the vested right which had accrued to the applicant in terms of the earlier order dated 15th December 1992 as at Annexure A-2. Dr. Nagaraja submits that as per principles of natural justice, the applicant should have been given an opportunity to state his case before taking steps to recover any arrear from his pay. Shri Shanthappa concedes that no such opportunity was given to the applicant before seeking to recover the alleged excess payment from his pay. He draws our attention to the representation dated 4.1.94 as at Annexure R-10 which was forwarded by the local office to the Director General of All India Radio on 28.1.94 as at Annexure R-12.

2. As the applicant was not given any opportunity before issuing order as at Annexure A-3 and A-4, we quash the orders as at Annexure A-3 and A-4 making it clear that the department is at liberty to proceed to take appropriate action as per law.

No costs.



A.N. Vujjanaradhy
Sd/-
(A.N. Vujjanaradhy)
Member (J)

Sd/-
TRUE COPY (V. Ramakrishnan)
Member (A)

S. Ravikumar
SECTION OFFICER 22/4
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL MEMBER
BANGALORE