

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Dated: **18 DEC 1995**

Application No. 1481 of 1995.

Applicant(s) : Smt. P. Jayanthi,

V/s.

Respondents : The Accountant General (A&E), Karnataka,
Bangalore and three others.,

To

1.

Sri. V. Narasimha Hella, Advocate,
No. 1780, First Floor, 6th Main,
E-Block, Second Stage, Rajajinagar,
Bangalore-560 010.

2.

Sri. M. Vasudeva Rao, Addl. CGSC,
High Court Bldg, Bangalore-1.

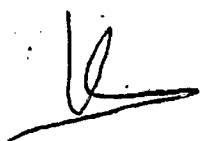
Subject:- Forwarding of copies of the Orders passed by
Central Administrative Tribunal, Bangalore-33
-x-x-x-

A copy of the Order/~~Stay Order~~/Interim Order,
passed by this Tribunal in the above mentioned application(s)
is enclosed for information and further necessary action.
The Order was pronounced on- Sixth December, 1995.

Issued on
18/12/95

K. N. B.

%


Deputy Registrar
Judicial Branches.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH : BANGALORE

ORIGINAL APPLICATION No1481/1995

WEDNESDAY, THIS THE 6TH DAY OF DECEMBER, 1995

SHRI JUSTICE P.K. SHYAMSUNDAR ... VICE CHAIRMAN

SHRI V. RAMAKRISHNAN ... MEMBER (A)

Smt. P. Jayanthi, 37 years,
Clerk/Typist,
O/o the Accountant General (A&E),
Karnataka, Residency Park Road,
Bangalore - 560 001. Applicant
(By Advocate Shri V.N. Holla)

Vs.

1. The Accountant General,
O/o the Accountant General (A&E),
Karnataka, Residency Park Road,
Bangalore - 560 001.
2. The Accounts Officer (Admn.),
O/o the Accountant General,
Karnataka, Residency Park Road,
Bangalore - 560 001.
3. The Comptroller and Auditor
General of India,
Post Bag No.7, Indraprastha
Post Office,
New Delhi - 2.
4. The Accountant General (A&E),
Hyderabad, Saifabad,
Andhra Pradesh. Respondents
(By Advocate Shri M. Vasudeva Rao,
Addl. Central Govt. Stg. Counsel)

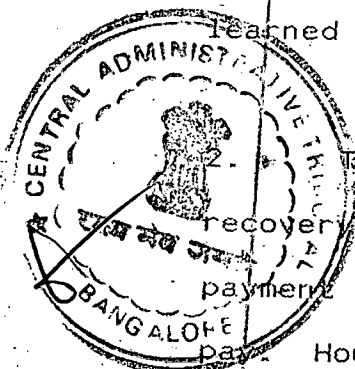
O R D E R

Shri Justice P.K. Shyamsundar, Vice Chairman :

We have heard Shri Holla for the applicant and the
learned Standing Counsel for the department.

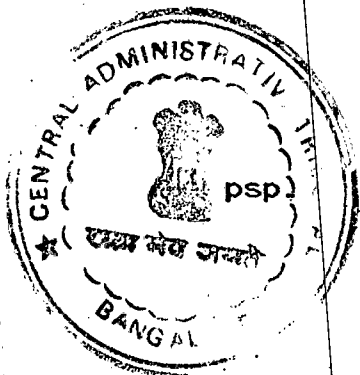
The applicant is aggrieved by an order directing
recovery of some money, based on their alleging excess
payments made on the basis of erroneous fixation of her
pay. However, the tenability of the order passed in that
behalf involves civil consequences leading to the
recovery of money paid in excess.

contd. 12.



3. It would, therefore, be just and proper that the action of recovery should have been preceded by a notice putting the applicant into a notice. In that view of the matter, the orders at Annexures A1, A3 and A5 directing recovery of the alleged excess payment appears to be invalid in law and are liable to be annulled.

4. Hence, it is, we allow this application and quash the Annexures-A1, A3 and A5. The department, is however, at liberty to take further action in the matter in accordance with law and in the light of the observations made herein. No costs.



(V. RAMAKRISHNAN)
MEMBER (A)

(P.K. SHYAMSUNDAR)
VICE CHAIRMAN

TRUE COPY

[Signature]
18/12/95
Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore

S.C.No. 2059/2000.

High Court of Karnataka,
Bangalore.

Date: 12-7-2000.

From

The Registrar General,
High Court of Karnataka,
Bangalore.

To

The Registrar.
Central Administrative Tribunal.,
Bangalore.(Bench). Indiranagar. Bangalore-560038. O.A. 2308/95.

Sir,

Sub:-

C.A. 642³ and 642³/98

on the file of the Supreme Court.

W.Ps. 24050 and 24051/98

of this High Court - Forwardal of the Copy of the
Certified copy of the Common Decree

Reg.

I am directed to forward herewith the copy of the Certified

Common Decree

Copy of the

received from the Supreme Court of India, for information and
necessary action in the matter.

~~XXXXXX~~

Yours faithfully,

Assistant Registrar.

Noticed in W.P.8 ~~do not~~ ^{do} ~~do not~~
appear to have been received in this
Registry. However, enter in W.P. Register
now as W.P.8 on O.A. 148/95 &

Show both orders
- all together
of CAT as struck
down by S.C.I.

Add this to file of
O.A. 148/95 & copy to
file of A.2308/95.

* * * No need to O.A. as Judges
who passed orders in CAT
are no longer in Bangalore Bench.

7/8/00 7.4.2000

Dated 7/8/00
JII Ant P.H

[Signature]
7/7/2000



(1)

All communications should be addressed to the Registrar, Supreme Court, by designation, NOT by name
Telegraphic address:—
"SUPREMECO"

D.No.4971 etc/98/JVA/XIII-B
SUPREME COURT
INDIA
NEW DELHI

Dated this the 21st June, 2000.



From: The Registrar (Judicial),
Supreme Court of India,
New Delhi.

To: The Registrar,
High Court of Karnataka,
Bangalore.

CIVIL APPEAL NOS. 6422 & 6423 OF 1998.

A.C.(A&E), KARNATAKA & Ors. etc. etc. ... Appellants

Versus

Smt. P. Jayanthi & Anr. etc. etc. ... Respondents

Sir,

In continuation of this Registry's letter of even number dated the 18th April, 2000, I am directed to transmit herewith for necessary action a certified copy of the Common Decree dated the 7th April, 2000 of the Supreme Court in the said appeals.

The Original Record in C.A.No. 6423/98 will follow.

Please acknowledge receipt.

Yours faithfully,

for REGISTRAR(JUDICIAL).

1207

IN THE SUPREME COURT OF INDIA~~XXXXXXXX~~ CIVIL APPELLATE JURISDICTION

429361

~~xxx~~~~xxx~~

Certified to be true copy

Assistant Registrar (Civil)

26/12/98

Supreme Court of India

CIVIL APPEAL NOS. 6422 AND 6423 OF 1998.

(Appeals by Special Leave from the Judgments and Orders dated the 20th August, 1998 of the High Court of Karnataka at Bangalore in Writ Petition Nos. 24051 and 24050 of 1998).

IN CIVIL APPEAL NO. 6422 OF 1998:

1. The Accountant General (A & E)
Karnataka, Bangalore.
2. The Comptroller & Auditor General,
of India, Bahadur Shah Zaffar Marg,
New Delhi 110 002.
3. Union of India - By its
Secretary, Ministry of Personnel,
& Training, North Block
New Delhi - 110 001.

... Appellants

Versus

1. Smt. P. Jayanthi,
Clerk/Typist O/o the Accountant
General (A & E), P.B. 5325
Bangalore 1, R/a 359, 13 A Cross,
Vysalikaval.
2. The Registrar,
Central Administrative Tribunal,
Bangalore Bench, Indiranagar,
Bangalore 560 038.

... Contesting
Respondent... Performa
RespondentIN THE CIVIL APPEAL NO. 6423 OF 1998:

1. Union of India - By its
Secretary, Ministry of Personnel,
& Training, North Block,
New Delhi 110 001.
2. The Comptroller & Auditor General
of India, Bahadur Shah Zafar Marg,
New Delhi 110 002.
3. Accountant General (A & E)
Karnataka, Bangalore - 560 001.

... Appellants

Versus

1. Smt. Sujatha Vedachalam
W/o Sri Venkataraman,
R/o 460/7, 12th Main
M.C. Layout, Vijay Nagar,
Bangalore.

Contesting
... Respondent

2. The Registrar,
Central Administrative Tribunal,
Bangalore Bench, Indiranagar,
Bangalore 560 038.

Performa
... Respondent

7th April, 2000.

CORAM:

HON'BLE MR. JUSTICE V.N. KHARE
HON'BLE MR. JUSTICE DORAISWAMY RAJU.

For the Appellants: Mr. P.P. Malhotra, Senior Advocate,
in both Appeals (Mrs. Niranjana Singh and M/s. Hemant
Sharma, Anil Katiyar and C.V. Subba Rao,
Advocates with him).

For Respondent No.1: Mr. D.P. Chaturvedi, Advocate.
in both Appeals

The Appeals above-mentioned alongwith connected matter being called on for hearing before this Court on the 29th day of March, 2000; UPON perusing the record and hearing counsel for the appearing parties above-mentioned, the Court took time to consider its Judgment and the appeals being called on for Judgment on the 7th day of April, 2000, THIS COURT in view of its decisions dated the 7th April, 2000 in Civil Appeal No. 13020 of 1996 entitled Comptroller & Auditor General of India & Ors. Versus Farid Sattar and 25th April, 1996 in Special Leave Petition No. 9324 of 1996 entitled Chandan Saha versus Union of India & Ors. DOTH in allowing the appeal ORDER :

1. THAT the Judgment and Order dated the 20th August, 1998 of the High Court of Karnataka at Bangalore in Writ Petition

Os. 24051 and 24050 of 1998 be and are hereby set-aside and in place thereof an order allowing Writ Petition Nos. 24051 and 24050 of 1998 filed by the appellants herein before the aforesaid High Court be and is hereby substituted;

2. THAT the appellants herein may recover the excess amount of pay paid to the contesting respondents herein in easy installments which may be spread over for fifteen years or till the date of retirement whichever is earlier;

3. THAT there shall be no order as to costs of these appeals in this Court;

AND THIS COURT DOETH FURTHER ORDER that this ORDER be punctually observed and carried into execution by all concerned;

WITNESS the Hon'ble Dr. Adarsh Sein Anand, Chief Justice of India, at the Supreme Court, New Delhi, dated this the 7th day of April, 2000.

Sd/-
(R.P. DUA)
JOINT REGISTRAR.
lch