



In the Central Administrative Tribunal  
Bombay Bench, 'Gulestan' Building no.6  
Prescot Road, Bombay 1

O.A.No.421/95

R.M.Katkar

..Applicant

V/s

U.O.I. & 2 Ors.

..Respondents

Coram: Hon.Shri Justice M.S.Deshpande, V.C.

Appearance:

Mr. G.K.Masand with Mr. G.R.Menghani

Counsel for the applicant

Mr. S.Kumar for Mr. M.I.Sethna

Counsel for the respondent no.2

ORAL JUDGMENT:

DATED: 9.6.95

(Per: M.S.Deshpande, Vice Chairman)

Heard Mr. G.K.Masand with Mr. G.R.Menghani, counsel for the applicant. Mr. S.Kumar for Mr. M.I.Sethna, counsel for respondents. There is no appearance for Respondent nos. 1 and 3 inspite of notice.

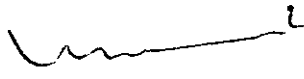
2. It is apparent that the impugned order dated 21.7.1994 was passed directing the recovery to be made, without affording an opportunity to the applicant of being heard against the intended action. The impugned order, Exhibit A, is quashed. The respondent shall not make any recovery on the basis of the impugned order. Liberty, however, to the respondents to issue show cause notice to the applicant and after giving an opportunity

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to him of being heard to take such action as may be appropriate. Until the final order after the inquiry is made, the recovery shall not be effected. The applicant would also be entitled to represent before the authority concerned in such a proceeding as to why the House Rent Allowance (HRA) which may be payable to him should not be withheld.

3. With the above directions the O.A. is disposed of with liberty to the applicant to approach the Tribunal, if he feels aggrieved by the order passed by the authority. No order as to costs.

  
(M.S. Deshpande)  
Vice Chairman

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