

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No: 543/98

Date of Decision: 27.7.98

Shri N. Gopalakrishan and others. Applicant.

Shri M.S. Ramamurthy. Advocate for
Applicant.

Versus

Union of India and others. Respondent(s)

Shri S.S. Karkera for
Shri P.M. Pradhan. Advocate for
Respondent(s)

CORAM:

Hon'ble Shri. Justice R.G. Vaidyanatha, Vice Chairman

Hon'ble Shri. D.S. Baweja, Member(A)

- (1) To be referred to the Reporter or not? *NO*
- (2) Whether it needs to be circulated to other Benches of the Tribunal? *NO*

R. G. Vaidyanatha
(R.G. Vaidyanatha)
Vice Chairman

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH 'GULESTAN' BUILDING NO:6
PREScot ROAD, BOMBAY:1

Original Application No. 543/98

Monday the 27th day of July 1998

CORAM: Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman
Hon'ble Shri D.S. Baweja, Member (A)

N.Gopalakrishnan
residing at B-10,
Vinayak Darshan
Srikrishna Nagar,
Subhash Road, Nava Pada,
Dombivali.(West),
Thane.

K. Ramachandran,
Residing at
Type III/24 A.T.I.Staff
Quarters, V.N. Purav Marg,
Sion, Mumbai.

V.Maniyan,
Residing at
202, 'Nakul' Vishal Nagar
Mith-Chowki, Marve Road,
Malad (West) Mumbai.

Mrs. Pratibha R. Viegas
Residing at A-206, Giri-Raj,
Modern Usha Colony,
Evershine Nagar,
Malad (West), Mumbai.

Smt. N.D. Nair
Residing at D-2/5,
Irma Co-operative
Housing Society Ltd,
Saibaba Nagar,
Borivli(West)
Mumbai.

A.K. Narayanan,
Residing at 39/447
C.G.S. Quarters,
Sector III, Kane Nagar
Antop Hill, Mumbai.

... Applicants.

By Advocate Shri M.S. Ramamurthy.

V/s.

Union of India through
The Secretary,
Ministry of Law and Justice,
(Department of Legal Affairs),
Shastri Bhavan,
Dr. Rajendra Prasad Road,
New Delhi.

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The President
Income Tax Appellate Tribunal
4th Floor, Old C.G.O. Bldg.,
101 M.K. Road, Churchgate
Mumbai.

The Registrar
Income Tax Appellate Tribunal
4th Floor, Old C.G.O. Bldg.,
101 M.K. Road, Churchgate,
Mumbai.

The Controller of Accounts
Ministry of Law and Justice
3rd Floor, 'C' Wing,
Loknayak Bhavan, Khan Market
New Delhi.

The Assistant Registrar,
(Drawing and Disbursing Officer)
Income Tax Appellate Tribunal
4th Floor, Old C.G.O. Bldg.,
101 M.K. Road, Churchgate,
Mumbai.

... Respondents.

By Advocate Shri S.K. Karkera for Shri P.M. Pradhan.

O R D E R (ORAL)

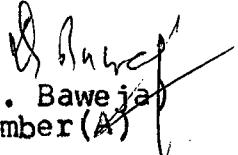
(Per Shri Justice R.G. Vaidyanatha, Vice Chairman)

Heard counsel for both sides. In this
O.A. the main grievance of the applicant is that the
respondents are trying to recover the amount alleged
to have been paid to the applicant as a result of
excess fixation of pay. One of the grievances of the
applicants is that the respondents are determining
the alleged recovery without hearing the applicants
and without issuing any show cause notice.

2. Today at the time of arguments the learned
counsel for the respondents confirmed and conceded
that the respondents will take steps for recovery
only after issue of show cause notice to the applicants.
In our view this statement made on behalf of the
respondents will take care of the grievance of the
applicants. The applicants can file a detailed reply
and the respondents can pass appropriate orders
regarding fixation of pay etc. If such an order
is passed and the applicants are still aggrieved

it is open to the applicants to approach this Tribunal for challenging the same and for appropriate interim relief.

3. For the above reasons the Q.A. is disposed of at the admission stage with a direction to the respondents not to make any recovery either from the regular pay or in the amount ~~to be paid~~ towards the arrears as a result of second instalment of 5th Pay Commission, without issue of show cause notice. The respondents can pass an appropriate order thereafter according to law. There shall be no order as to costs.


(D.S. Baweja)

Member(A)


(R.G. Vaidyanatha)

Vice Chairman

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