

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.1564/94

decided on : 23-12-94

Between

1. PLN Sastry-II
2. KM Subrahmanyam
3. P Jaya Rao-II
4. T. Suryanarayan-II
5. K.U.Srimannarayana Murthy
6. T Venkateswara Rao .. Applicants

and

1. The Comptroller & Auditor
General of India,
New Delhi 110002

2. The Principal Accountant
General of India
Audit-I, Hyderabad 4

3. The Accountant General,
Audit-II
Hyderabad .. Respondents

Counsel for the applicants .. C. Suryanarayan
Advocate

Counsel for the respondents .. C. Parameswaran
SC for AG

CORAM

HON. MR. A.V. HARIDASAN, MEMBER (JUDICIAL)

HON. MR. A.B. GORTHI, MEMBER (ADMN.)

I AS PER HON'BLE SHRI A.V. HARIDASAN, MEMBER (JUDL.)

JUDGEMENT

Heard both the counsels.

The grievance of the applicants in OA ^{the} numbering 6 working under the Respondents as Asst. Audit officers is that purporting to be acting in pursuance of the judgement of the Central Administrative Tribunal, the pay of the applicants is considerably reduced and huge amounts are sought to be recovered from their pay and allowances. It is seen that the pay of the applicants along with several others were fixed by order dated 1-6-87 and it appears that the pay is re-fixed ^{now} resulting in considerable drop in their emoluments. The applicants have stated that an abrupt action of this sort without notice to them will involve adverse serious consequences as they would be subject to recovery of more than Rs. 30,000/- each and also fall in future emoluments, violating the principles of natural justice ~~and is also not warranting~~ for any justifiable reasons. The application came up for hearing on admission. The standing ^{taking} counsel for the Respondents appeared/notice.

A perusal of the impugned order dated 22-11-94 (annexure 2) would ^{clearly} normally establish that the adverse action involves/serious consequences to the applicants, and it was taken without giving them an opportunity to show cause against.

-/-.

To

1. The Comptroller and Auditor General of India,
New Delhi-110 002.
2. The Principal Accountant General of India,
Audit-I, Hyderabad-4.
3. The Accountant General, Audit-II, Hyderabad.
4. One copy to Mr.C.Suryanarayana, Advocate, CAT.Hyd.
5. One copy to Mr.G.Parameswara Rao, SC for AG. CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

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It is a settled law that administrative
actions involving adverse ~~serious~~ consequences
~~for~~ an employee can be taken only after

the affected party being heard. Under these
circumstances, the impugned order cannot be
sustained. Hence ~~it has to be disposed of~~
~~even at the admission stage~~ ^{the affected is being} ~~utref~~ as agreed to by
the learned counsel for the Respondents.

However, the standing counsel for the Respondents
pleaded that in case the ^{Internal holds} ~~Members view~~ that the
impugned order cannot be sustained, the Respon-
dents may be given opportunity to take appropriate
action after giving the applicants a notice
and ~~for~~ ⁱⁿ opportunity to be heard. In the light of
the above submission of the counsel for the
Respondents, we dispose of the application at
admission stage setting aside the impugned order
dated 22-11-94 to the extent it relates to the
applicant and leaving liberty to the Respondents
to take appropriate action in respect of re-
fixation of the pay of the applicants if such
a course is warranted for a justifiable reason
only after giving the applicants a reasonable
^{scale} opportunity to ~~take~~ ^{their} case for consideration.
No order as to costs.

Anusgi
(A.B. GORTHI)
Member (Admn.)

Alleenu
(A.V. HARIBASAN)
Member (Judl.)

Dated the 23rd December, 1994
Open court dictation

NS

Dep't

6897-C-126124
TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

A. B. Gorakhi : M(A)
THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE-CHAIRMAN

AND
A. V. Haridasan
THE HON'BLE MR. R. BANGARAJAN : M(A)(H)UDL

DATED: 23-12-1994

ORDER/JUDGEMTN:

M.A./R.A/C.A. NO.

in

O.A.No.

1564/94

T.A.No.

(w.p.)

Admitted and Interim directions issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected

No order as to costs.

PVM

