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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

.. G. Parameswara
SC for AG

CORAM

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

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

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

J U D G E M E N T

Heard both the counsels.

The grievance of the applicants in ^{the} OA 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~~ ^{ad} 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.

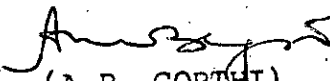
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(21)

It is a settled law that administrative actions involving adverse ^{Civil} 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 ^{the applicant is being} it ~~has to be~~ disposed of ^{itself} ~~even~~ at the admission stage, as agreed to by the learned counsel for the Respondents.


However, the standing counsel for the Respondents pleaded that in case the ^{Tribunal holds} Members ~~view~~ that the impugned order cannot be sustained, the Respondents may be given opportunity to take appropriate action after giving the applicants a notice ^{and} ~~for~~ an 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 opportunity to ^{State} ~~take~~ their case for consideration. No order as to costs.


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


(A.V. HARIDASAN)
Member (Judl.)

Dated the 23rd December, 1994
Open court dictation

NS


Deputy

Urgent C.C. 726/12/94

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APPROVED BY

• IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

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

AND
A.V. Haridasan
THE HON'BLE MR. R. RANGARAJAN : M(A) (Judl)

DATED: 23-12-1994

ORDER/JUDGEMTN:

M.A./R.A/C.A.No.

in

O.A.No.

T.A.No.

15/6/94
(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.

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