

(18)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH
AT HYDERABAD.

O.A.NO. 390 of 1994.

Between

Dated: 15.3.1995.

1. A. Amson Saheb.

2. Md. Ghouse.

3. D. Edanna

...

Applicants

And

1. The Post Master General, Hyderabad Region, Hyd.

2. Director of Postal Services O/O Post Master General,
Hyderabad Region, Hyd.

3. The Superintendent of Post Offices, Mahabubnagar Division
Mahabubnagar.

...

Respondents

Counsel for the Applicants : Sri. B. Amarnath Reddy

Counsel for the Respondents : Sri. K. Bhaskara Rao, Addl. CGS

CORAM:

Hon'ble Mr. A. B. Gorthi, Administrative Member

Contd: ...2/-

16

- 2 -

DA 390/94.

Dt. of Order: 15-3-95.

(Order passed by Hon'ble Shri A.B.Gorthi, Member (A))

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In this Original Application, the grievance of the applicant is ~~that~~ on account of the fact that the Respondents, by means of the impugned order dt.16-2-94, downwardly revised the allowances admissible to the applicants with retrospective dates.

2. The applicants were appointed as EDMCs, Mahaboobnagar Division on various dates on a basic allowance of Rs.420/- p.m. While they were working thus ~~and~~ receiving the allowances as fixed, the respondents without any prior notice or without assigning ^{any} reason reduced the allowances with retrospective effect.

3. In the counter affidavit, the Respondents clarified that the allowances in respect of the applicants were fixed on the basis of "Cycle beat time factor work Load" whereas the allowances ~~should have been fixed on the basis of "foot-beat time factor".~~ This discrepancy was brought out by the Audit and accordingly, the Respondents had to revise the allowance admissible to the applicants.

4. In the Original Application it was clearly averred that the Respondents reduced the allowance without ~~giving~~

... 3.

(17)

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to the applicants and as such the action of the Respondents is ~~xx~~ violative of the principles of natural justice. In the counter there is neither ^a denial of this averment nor there is an ~~assertion~~ that any prior notice was in fact issued to the applicants before the impugned decision was taken. It is settled law that no order, even if it is administrative in nature, ^{can be passed} without complying ^{with the} principles of natural justice, where such an order involves adverse civil consequences. Accordingly this O.A. has to be allowed. In view of the above, O.A. is allowed and the impugned order is set aside. It is needless to say that it is open to the Respondents to proceed in accordance with law.

5. No order as to costs.


(A.B. GORTHI)
Member (A)

Dt. 15th March, 1995.
Dictated in Open Court.


Dy. Registrar (Judl.)

avl/

Copy to:-

1. The Post Master General, Hyderabad Region, Hyd.
2. Director of Postal Services, O/O Post Master General, Hyderabad Region, Hyd.
3. The Superintendent of Post Offices, Mahabubnagar Division Mahabubnagar.
4. One copy to Sri. B. Amarnath Reddy, advocate, 3-6-525, 7th Street, Himayatnagar, Hyd-29.
5. One copy to Sri. K. Bhaskara Rao, Addl. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-

In the C.A. Hyd Bench
at Hyd.

From Mr. HARG MIA)

Judgement of 15/3/95
on

Off. 390794.

Off allowed.

No order or to
costs.

