

(21)

CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD.

OA. 323/95

Date of order: 27-3-1995.

L. Paul Samuel

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Applicant.

Vs.

1. The Comptroller and Auditor General of India, New Delhi. 110 002.
2. The Principal Accountant General, Audit-I, Andhra Pradesh, Hyderabad-500 463.
3. The Accountant General, Audit-II, Andhra Pradesh, Hyderabad-500 463.

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Respondents.

Counsel for the Applicant : Mr. P. Jaya Rao, Advocate.

Counsel for the Respondents: Mr. G. Parmeshwar Rao,
Sr. CGSC.

CORAM:

HON'BLE MR. JUSTICE V. NEELADRI RAO, VICE CHAIRMAN

HON'BLE SHRI R. RANGARAJAN, MEMBER ADMINISTRATIVE.

92

O.A.No.323/95.

Date: 27/8/95

JUDGMENT

I as per Hon'ble Sri R.Rangarajan, Member(Administrative))

Heard Sri P.Jaya Rao, learned counsel for the applicant and Sri G.Parameshwara Rao, learned standing counsel for the respondents.

2. This OA is filed to set aside the order of R-2 dt. 21.11.1994 (Annexure-I filed with the OA), whereby the applicant's pay was re-fixed to a lower stage and recovery has been ordered, in the interest of justice and fair-play.

3. The grievance of the applicant, who is an Assistant Audit Officer is that, purporting to be acting in pursuance of the judgment of the Central Administrative Tribunal, the pay of the applicant is considerably reduced and huge amounts are sought to be recovered from his pay and allowances. It is seen that the pay of the applicant and others was fixed by orders dt. 1.5.1987, thus resulting in considerable drop in their emoluments.

4. The applicant has stated that an abrupt action of this sort without notice to him will involve adverse serious consequences as they would be subjected to recovery of huge amount and also fall in future emoluments, violating the principles of natural justice.

5. Similar OA No.1564/94 filed before this Tribunal by a similarly placed applicant was disposed of at the admission stage itself on 31.12.94 setting aside the impugned order therein dt.23.12.94 with certain other directions. As this OA is also filed for the similar relief, the same order passed in OA 1564/94 may have to be passed. But, it was submitted by the learned counsel

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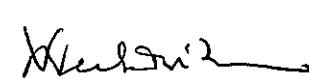
93

for the respondents that the refixation of pay of the applicant had already been done and recovery of excess amount paid to him has also been commenced. In view of this, a direction to the respondents not to make any further recovery has to be ordered. Refixation of pay already done will be allowed to remain till a final decision is taken by R-1 after giving a notice to the applicant and pursuing the reply thereto. In the result, the following direction is given:-

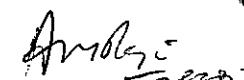
The impugned order dt. 22.11.1994 to the extent it related to the applicant is set aside leaving liberty to the respondents to take appropriate/in respect of the re-fixation of pay of the applicant if such a course is warranted for justifiable reason, only after giving the applicant a reasonable opportunity to state his case for consideration. Till such time the reply to the notice is received and a final decision is taken by R-1, the recovery of the amount of arrears has to be withheld and the applicant be continued to be paid in the re-fixed scale.

6. The OA is ordered accordingly at the admission stage itself. No costs.


(R. Rangarajan)
Member (Admn.)


(V. Neeladri Rao)
Vice Chairman

Dated 25 March, 1995.


Dy. Registrar (Jud1)

Grh.

Copy to:-

1. The Comptroller and Auditor General of India, New Delhi-110 002.
2. The Principal Accountant General, Audit-I, Andhra Pradesh, Hyderabad-500 463.
3. The Accountant General, Audit-II, Andhra Pradesh, Hyderabad-500 463.
4. One copy to Mr. P. Jaya Rao, Advocate, Plot No. 5/A, Sai Niwas, Keshavanagar Colony, New Mettuguda, Secunderabad-500 017.
5. One copy Mr. G. Parmeshwara Rao, CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare.

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OFF 323/95
TYPED BY CHECKED BY
COMPARED BY APPROVED BY
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR.JUSTICE V.NEELADRI RAO
VICE- CHAIRMAN

AND

THE HON'BLE MR.R.RANGARAJAN: M(ADMN)

DATED - 27-8-1995.

ORDER/JUDGMENT:

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

O.A. No. 823/95

T.A. No.

(W.P.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions. *At the*
Dismissed. *Administration Stage*

Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected.

No order as to costs.

No stamp copy

