

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A.No.346/2000

Date of order: 15.11.2000

R.P.Yadav, S/o S:hri R.D.Yadav, R/o B-284, Mahesh Nagar, Jaipur
presently employed as Superintendent Gr.II, W.Rly, Jaipur.

...Applicant.

Vs.

1. Union of India through General Manager, Western Railway, Churchgate, Mumbai.
2. Divisional Railway Manager(Estt), Western Railway, Jaipur Divn, Jaipur.
3. Asstt.Personnel Officer(Bills), W.Rly, Jaipur Divn, Jaipur.

...Respondents

Mr.Shiv Kumar - Counsel for Applicant.

Mr.R.G.Gupta - Counsel for respondents.

CORAM:

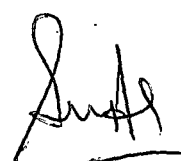
Hon'ble Mr.S.K.Agarwal, Judicial Member

Hon'ble Mr.Gopal Singh, Administrative Member.

PER HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER.

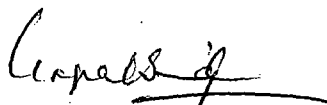
In this Original Application under Sec.19 of the Administrative Tribunals Act, 1985, the relief ~~sought~~ sought by the applicant is to quash and set aside the impugned order dated 25.7.2000 (Annx.A1) with all consequential benefits.

2. It is very much clear from the averments made by the parties that before passing the impugned order (Annx.A1), no notice to show cause/opportunity of hearing was afforded to the applicant. It is a settled principle of law that if any order entails civil consequences the principle of audi alteram partem must have been applied. In the instant case, before passing the impugned order of recovery from the applicant, no opportunity of hearing/show cause notice appears to have been given to the applicant. Therefore, the impugned order appears to have been passed in gross violation of the principles of natural justice and the same is liable to be quashed.

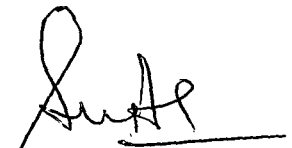


3. We, therefore, quash and set aside the impugned order Annx.A1 and the respondents are directed not to make any recovery from the applicant in pursuance of order Annx.A1. If any recovery has been made in pursuance of Annx.A1, the same shall be refunded to the applicant within a period of two months from the date of passing of this order. This order shall not preclude the respondents to initiate the proceedings for recovery and thereafter to pass appropriate order after following the principles of natural justice.

4. No order as to costs.


(Gopal Singh)

Member(A).


(S.K. Agarwal)

Member (J).