

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O.A. NO. 182 ..... of 1998

13.6.2000  
DATE OF DECISION.....

Shri Sunil Ghosh

PETITIONER(S)

Mr M. Chanda and Ms N.D. Goswami

ADVOCATE FOR THE  
PETITIONER(S)

-VERSUS-

The Union of India and others

RESPONDENT(S)

Mr B.C. Pathak, Addl. C.G.S.C.

ADVOCATE FOR THE  
RESPONDENT(S)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

THE HON'BLE MR D.C. VERMA, JUDICIAL MEMBER

THE HON'BLE

DATE OF DECISION.....

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Judicial Member

RESPONDENT(S)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No.182 of 1998

Date of decision: This the 13th day of June 2000

The Hon'ble Mr D.C. Verma, Judicial Member

Shri Sunil Chosh,  
Superintendent,  
Geological Survey of India,  
North Eastern Region,  
Shillong.

.....Applicant

By Advocates Mr M. Chanda and Ms N.D. Goswami.

- versus -

1. The Union of India, through the  
Secretary to the Government of India,  
Ministry of Mines,  
New Delhi.
2. The Director General,  
Geological Survey of India,  
Calcutta.
3. The Deputy Director General,  
Geological Survey of India,  
North Eastern Region,  
Shillong.

.....Respondents

By Advocate Mr B.C. Pathak, Addl. C.G.S.C.

.....

O R D E R (ORAL)

D.C. VERMA (JUDICIAL MEMBER)

This O.A. is against the order by which the respondents had withdrawn the benefit of double House Rent Allowance (HRA for short).

2. The applicant was appointed initially as LDC in the Department of Geological Survey of India at Calcutta. The applicant was subsequently promoted to various posts. From Calcutta the applicant was transferred to Shillong, a North East area. As per the Government of India orders, the applicant was allowed to retain his residence at the place from where he was transferred, i.e. Calcutta and was also granted HRA for the said place. The applicant had been getting HRA for Calcutta as well as at

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the place of his posting at Shillong. By the impugned order dated 16.9.1997 (Annexure 1) the respondents have withdrawn the HRA drawn by the applicant for his Calcutta house on the ground that the basic condition for drawal of HRA devolves around bonafide use of accommodation of the old station by his family members, is not satisfied.

3. The learned counsel for the applicant has challenged the impugned order on various grounds. One of the grounds is that the order of withdrawal of benefit of old station HRA vide the impugned order dated 16.9.1997 has been issued without following the principles of natural justice as no notice was issued prior to issuance of the impugned order.

4. It is well established that any order which ultimately leads to civil consequence requires a show cause notice before any such order is passed. In the present case no show cause was given to the applicant before the impugned order was passed. The learned counsel for the applicant has submitted that had a notice been served on the applicant, the applicant would have satisfied about the <sup>bonafide</sup> ~~benefit of~~ use of the accommodation at the old station by the family members of the applicant. In the absence of such show cause, the applicant could not satisfy the respondents which resulted in the impugned order.

5. The fact that show cause was not given to the applicant is not challenged. Consequently, without examining the case on merits and without expressing any opinion on the various other grounds taken by the applicant in the O.A., this O.A. is allowed only on the ground of violation of natural justice and the impugned order dated 16.9.1997, Annexure 1 to the O.A. is quashed. It will, however, be open to the respondents to serve the applicant with a show cause notice and thereafter to consider the reply, if any, filed by the applicant and to pass an appropriate order thereafter within a reasonable time. As regards arrears with effect from August 1997 onwards no order is being passed at this stage and it will be for the respondents to pass an appropriate order while considering the

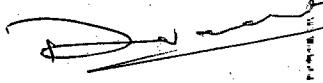


reply.....

reply of the applicant after show cause. It will be open for the applicant to approach the Tribunal in case he has any grievance after the appropriate authority passes an order, if so advised.

6. The O.A. is allowed as per the directions given above. No order as to costs.

Dated: 13.6.2000

  
( D. C. VERMA )  
JUDICIAL MEMBER

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