

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 757 of 2002

Jabalpur, this the 10th day of August, 2004

Hon'ble Mr. M.P. Singh, Vice Chairman

Dr. P. V. Prakasa Rao  
S/o Shri P. V. Chennaiah Chetty  
Aged 49 years,  
R/o A-43, Minal Residency,  
J.K. Road, Govindpura,  
Bhopal-462023

APPLICANT

(By Advocate - Shri S.P. Rai on behalf of Smt. S. Manon)

VERSUS

1. Union of India  
Through the Secretary  
Ministry of Human Resources  
Development Shastri Bhawan  
New Delhi.

2. National Council of Educational Research  
And Training (N.C.E.R.T.)  
Shri Aurobindo Marg  
New Delhi - 110 016  
Through its Director

3. Pandit Suderlal Sharma Central Institute  
of Vocational Educational (P.S.S.C.I.V.E.)  
131, Zone-II,  
Maharana Pratap Nagar,  
Bhopal-462 011

RESPONDENTS

(By Advocate - Shri Om Namdeo)

ORDER (ORAL)

By filing this OA, the applicant has sought the following main reliefs :-

"I. To hold the action of the respondents in non-payment of revised Non-practicing Allowance (N.P.A) in accordance with the rates recommended by Vth C.P.C as wholly unjustified and malafide.

II. To direct the respondents to release the difference of arrears of revised N.P.A. with effect from 1.1.1996 till date alongwith interest @ 21 percent per annum".

2. The brief facts of the case are that the applicant was appointed as Professor in Vocational Education (Health Education) in the pay scale of Rs. 4500-7300/- (pre-revised) in the National Council of Educational Research and Training in 1995. The applicant was appointed vide order dated 18th December, 1995, wherein it was stated that the applicant will be allowed

*[Signature]*

NPA as per rule in the pay scale of Rs. 4500-7300/-.. Before his appointment dated 18.12.1995 the National Council of Educational Research and Training, vide letter dated 20th September, 1995 has clarified that the applicant will be paid NPA in the Council as provided under rules. Accordingly, he has been paid the Non Practising Allowance since the date of his appointment. He has been regularly been paid this allowance upto November, 2002. The respondents, all of a sudden, vide letter dated 20th December, 2002 have withdrawn the Non-Practising Allowance granted to the applicant. The order passed by the respondents withdrawing the non-practising allowance is a non-speaking order. The applicant who has been paid the non-practising allowance from 1995 to 2002, has also not been given any notice & opportunity of hearing. It is a well settled legal proposition that before withdrawing the benefit which has been granted to the Government employee, the Government employee is required to be given a notice and opportunity of hearing. In this case the applicant has not been given any such notice or opportunity of hearing. Hence, the principles of natural justice have been violated. In view of this, the order dated 20th December, 2002 is not sustainable in the eye of law and is accordingly, liable to be quashed and set aside.

3. Accordingly, the order dated 20.12.2002 is quashed and set aside and the respondents are directed to issue a notice to the applicant within a period of 4 weeks from the date of receipt of a copy of this order, if they wanted to withdrawn the benefit of non-practising allowance being given to the applicant since his appointment. After receiving the notice from the respondents within the said period, the applicant is directed to file the representation/reply within

*W.H.*

a period of six weeks from the date of receipt of the notice. If the applicant complies with this, then the respondents are further directed to take a decision on his representation/reply, by passing a speaking, reasoned and detailed order within a period of three months from the date of receipt of such representation/reply.

4. Accordingly, the Original Application stands disposed of. No costs.

  
(M.P. Singh)  
Vice Chairman

"SA"

पृष्ठांकन सं. ओ/व्या.....जबलपुर, दि.....

प्रतिलिपि अच्छे गिरावः—

(1) सचिव, अच्छे व्यायामालय बल एकाडेमियन, जबलपुर

(2) आकेदक श्री/श्रीमती/कु. ....वो काउंसल S.M. S. Menon

(3) प्रत्यर्थी श्री/श्रीमती/कु. ....वो काउंसल

(4) कथपाल, दो.पा., जबलपुर व्यायामालय

सूचना एवं आवश्यक वार्तालाई देतु

  
K.N. Karmal  
Karmal

उप रजिस्ट्रार

Issued  
on 16.8.04  
By  
R.S.