

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

OA No. 2557/2016

This the 17th day of September, 2019

Hon'ble Mr. S.N. Terdal, Member (J)
Hon'ble Mr. A.K. Bishnoi, Member (A)

Dr. Mrs. T.S. Khan, aged 60 years
w/o Sh. Anis Ahmad
Retire Post Graduate Teacher from
Kendriya Vidyalaya Sangathan
R/o 8-C, Samay Vihar Apartments
Near Sachdeva Public School
Sector-13, Rohini, Delhi-85.

...Applicant

(By Advocate: Sh. Yogesh Sharma)

VERSUS

1. Kendriya Vidyalaya Sangathan
Through the Commissioner
18, Institutional Area
Shaheed Jeet Singh Marg, New Delhi.

2. Joint Commissioner (Finance)
18, Institutional Area
Shaheed Jeet Singh Marg, New Delhi.

3. The Finance Officer
Kendriya Vidyalaya Sangathan
(Bhopal Region)
Opp. Maida Mills, Bhopal(MP). ... Respondents

(By Advocate : Sh. S. Rajappa)

ORDER (Oral)

Hon'ble Mr. S.N. Terdal:

Heard Sh. Yogesh Sharma, learned counsel for the applicant and Sh. S. Rajappa, learned counsel for the respondents.

2. The relief prayed for by the applicant in this OA is as follows:

“(i) That the Hon'ble tribunal may graciously be pleased to pass an order directing the respondents No. 1 and 2 to finalize the case of the applicant regarding waive off the alleged recovery from the applicant on re-fixation of pay of the applicant.

(ii) That the Hon'ble Tribunal may graciously be pleased to pass an order of quashing the impugned order dated 13.7.2015 (Annex. A/1) on in respect of fixation of pay from 1.9.1999 and recovery of over payment, declaring to the effect that the same is illegal, arbitrary and against the principle of natural justice without all the consequential benefits.

(iii) That the Hon'ble Tribunal may graciously be pleased to pass an order directing the respondents to refund the recovered amount of the applicant with interest.

(iv) That the Hon'ble Tribunal may graciously be pleased to pass an order directing the respondents to grant the arrears of difference of pay and allowances in respect of granting the senior scale w.e.f. 1.4.12 with interest.

(v) Any other relief which the Hon'ble tribunal deem fit and proper may also be granted to the applicant along with the costs of litigation.”

3. We have perused the order dated 11.01.2000 (Annexure A/6) and impugned order dated 13.07.2015 (Annexure A/1).

The learned counsel for the applicant submits that before issuing the impugned order dated 13.07.2015 adversely affecting his interest, no show cause notice was served on the applicant. From a perusal of the entire record, it is crystal clear that no show cause notice was indeed served on the applicant before passing the order dated 13.07.2015, that is, above stated Annexure A/1.

4. We are of the view that since no show cause notice was given to the applicant before the impugned order dated 13.07.2015 was issued, the impugned order be set aside.

5. The OA is accordingly allowed. The respondents are, however, at liberty to take action regarding the alleged error in order dated 11.01.2000, after issuing the show cause notice, as per law. No costs.

(A.K. Bishnoi)
Member (A)

(S.N.Terdal)
Member (J)

/ns/