

CENTRAL ADMINISTRATIVE TRIBUNAL

(TA) Transfer Appl./1089/2009

JUDGEMENT

Central Administrative Tribunal
Principal Bench, New Delhi

T.A.No.1089/2009

Tuesday, this the 10th day of November 2009

Hon ble Shri Shanker Raju, Member (J)
Hon ble Dr. Veena Chhotray, Member (A)

Shri I.C. Sharma
s/o Shri T R Sharma
r/o 9/12 Second Floor
Ashok Nagar, New Delhi-18
..Applicant
(By Advocate: Shri Anuj Agarwal)

Versus

1. Municipal Corporation of Delhi
through its Commissioner
Town Hall, Chandni Chowk
Delhi-6

2. The Executive Engineer
Automobile Work Shop Centre
Municipal Corporation of Delhi
Central Zone, Lodhi Road
New Delhi
..Respondents
(By Advocate: Shri Nalin Tripathi)

O R D E R (ORAL)

Shri Shanker Raju:

Mistaken decision can be corrected only after following due process of law, as ruled by the Apex Court in Union of India & another v. Narendra Singh, (2008) 1 SCC (L&S) 547.

2. Rolling back of pay scale inadvertently granted through a Resolution, which attained finality on implementation, without a formal order whereby recovery has been effected from the applicant is the grievance of the applicant in this TA.

3. Admittedly, neither the formal order has been passed nor has any pre-decisional hearing been given to the applicant. In the above view of the matter, civil consequence ensued upon the applicant, which when not

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preceded by a reasonable opportunity to show cause is in contravention of rules and natural justice.

4. After hearing the learned counsel for the parties, TA is allowed. Impugned order is set aside. Respondents are directed to refund to the applicant the recovered amount. However, this shall not preclude them from taking action in accordance with law. This shall be done within a period of two months from the date of receipt of a copy of this order. No costs.

(Dr. Veena Chhotray) (Shanker Raju)

Member (A) Member (J)

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