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CENTRAL ADMINISTRATIVE TRIBUNAL, NEW DELHI

OA No.81/1996

New Delhi, this 4th day of July, 1996

Nemi Chand
s/o Kalyan Mal
Vill. & PO Maykalyan
P.S. Sangoi, Dt. Kota, Rajasthan .. Applicant
(By Smt. Rani Chhabra, Advocate)

Vs.

Union of India, through

1. Secretary
M/Telecommunication
Sanchar Bhavan, New Delhi
2. Chief General Manager
Telecommunications, Kota
3. Dvl. Engineer (Telecom), Kota
4. TDE, Khadli Phathak
Kota
5. SDO (Phones)
Baran, Kota .. Respondents

(By Shri V.S.R. Krishna, Advocate)

ORDER (oral)

By Shri A.V. Haridasan

The applicant is a casual worker. His grievance is that while he was granted temporary status with effect from 25.5.93 vide order dated 26.10.94 (Annexure A-5), The respondents have, long thereafter, without giving the applicant an opportunity to show cause, withdrawn the benefit of temporary status by the orders dated 18.4.95 and 12.5.95. The applicant states that the impugned orders are arbitrary, unreasonable and unsustainable in law, as the benefit of temporary status granted to him

by the competent authority has been taken away from him, without assigning any valid reasons and without giving him even a notice.

2. Though the respondents were served with notice and were given several chances to file reply they did not file any reply. When the matter came up for hearing today, Smt. Rani Chhabra appeared for the applicant and Shri V.S.R. Krishna appeared for the respondents.

3. On a perusal of the pleadings and material available on record and on hearing the counsel on either side, we have no hesitation to hold that the impugned orders are unsustainable.

By order dated 26.10.94 (Annexure A-5) substantial rights had been conferred on the applicant. Cancellation of that order by the impugned orders dated 18.4.95 and 12.5.95 brings about adverse civil consequences on the applicant. Before passing the impugned orders, no notice was given to the applicant and he was not heard. It is settled by now that any order causing adverse civil consequences to a person can be validly passed only after hearing that person. Hence, as no notice was given to the applicant and as he was not heard before passing the impugned orders, we are of the considered view that the orders are vitiated by violation of principles of natural justice. The respondents probably did not

find any ground to sustain these orders and that appears to be the reason why they chose not to file any reply.

4. ^{in the light} In the result on the extent of what is stated above, the impugned orders are set aside and the order dated 26.10.94 (Annexure A-5) is declared to be operative and the respondents are directed to treat that the applicant has been conferred with temporary status. No order as to costs.

R.K. Ahooja
(R.K. Ahooja)
Member (A)

A.V. Haridasan
(A.V. Haridasan)
Vice-Chairman (J)

/gtv/