

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 1608/2000
with
OA 1610/2000

New Delhi this the 1st day of February, 2001

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Shri Govindan S. Tampi, Member (A)

OA 1608/2000

1. Sh. Vaibhav Bhatnagar,
F-8/7, Model Town-11,
Delhi-110009
2. Sh. Kumar Sheel,
2-C, Bharat Apartments,
31, I.P. Extn, Delhi-92
3. Smt. Kirti Gupta,
C-537, Saraswati Vihar,
Delhi-110034

... Applicants

(By Advocate Sh. V. K. Rao, learned
counsel through proxy counsel
Miss Anuradha Priyadarshini)

VERSUS

1. Union of India through the
Chief Commissioner, Customs House,
Rajaji Salai, Chennai-600001
2. The Commissioner of Customs,
Customs House, No. 33, Rajaji Salai,
Chennai-600001.
3. The Commissioner of Customs (General),
Delhi New Custom House, IGI Airport,
I.G.I. Airport, New Delhi-37

.. Respondents

(By Advocate Sh. R. R. Bharti)

OA 1610/2000

1. Sh. Anil Kumar Sapra,
B-123, Amar Colony,
Lajpat Nagar IV,
New Delhi.
2. Shri Kharak Chand
C-4A/42-C, Janakpuri,
New Delhi.

... Applicants

(By Advocate Sh. V. K. Rai, learned
counsel through proxy counsel
Miss Anuradha Priyadarshini)

VERSUS

1. Union of India through
the Chief Commissioner
Customs House, Rajaji Salai,
Chennai-600001

B.

2. The Commissioner of Customs,
Customs House No.33,
Rajaji Salai, Chennai.
3. The Commissioner of Customs
General Delhi New Customs House,
I.G.I. Airport, N/Delhi-110037

.. Respondents

(By Advocate Shri R.R. Bharti)

O R D E R (ORAL)

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman(J):

Learned counsel for the parties have submitted that the relevant facts and issues raised in the aforesaid two applications, namely, OA 1608/2000 and OA 1610/2000 are the same. In both these applications, the applicants have challenged order No.311/2000 passed by the respondents dated 18.8.2000 (Annexure A 5 in OA 1610/2000 and Annexure A-6 in OA 1608/2000, respectively). Learned counsel for the applicants has referred to the facts in OA 1610/2000 and for the sake of convenience these have been referred to. In the facts and circumstances of the case, both the applications are being disposed of by a common order.

2. The brief relevant facts of the case are that the applicants in the aforesaid two applications were initially promoted as Appraisers on ad hoc basis on short term vacancies in the pay scale of Rs.2000-3500 by order dated 28.6.1996. This arrangement had been continued for a number of years. Subsequently, by another order passed by the respondents dated 23.6.2000, the applicants were regularised in the grade of Appraisers from different dates as

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mentioned therein. Soon thereafter, in about two months, the respondents further passed the order dated 18.8.2000 cancelling the regular promotions of the applicants as Appraisers, which has been impugned in the present two applications.

3. In the impugned order dated 18.8.2000, the respondents have referred to the Ministry's direction vide their letter dated 3.8.2000. Apparently, no show cause notices have been given to the applicants, let alone a copy of the directions contained in the letter dated 3.8.2000 before the respondents proceeded to cancel the regular appointments of the applicants as Appraisers. One of the main grounds taken by the learned counsel for the applicants is that the cancellation order has affected the civil rights of the applicants which has been done without even giving them an opportunity of hearing. She has, therefore, submitted that the action of the respondents is in clear violation of the principles of natural justice, contrary to the principles upheld by the Supreme Court in a catena of judgements. We find force in this submission that the respondents ought to have given the applicants a reasonable opportunity to put forward their cases before cancelling their regular promotions which has clearly not been done in the present two cases. The Tribunal ad interim order dated 25.8.2000 had stayed the


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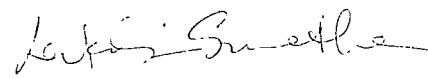
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reversion of the applicants from the posts of Appraisers which order has been continued till date.

4. In the facts and circumstances of the cases the applications(OA 1608/2000 and 1610/2000) succeed and are allowed. The impugned orders dated 18.8.2000 passed by the respondents are quashed and set aside, leaving it open to them ^{Respondent vs} to proceed in accordance with law. No order as to costs.

5. Let a copy of this order be also placed in OA 1610/2000.


(Govindan S. Tampi)
Member(A)


(Smt. Lakshmi Saminathan)
Vice Chairman(J)

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