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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. No.2226/2004

New Delhi this the 24th day of April, 2006

Hon'ble Shri Shanker Raju, Member (J)
Hon'ble Mrs. Chitra Chopra, Member (A)

Shri G.L. Tulsikar
Training Officer (MRC),
National Vocational Training Institute for Women,
D-1, Sector 1,
Noida 201 301.

-Applicant

(By Advocate: Shri S. Sunil for Shri C. Harishankar)

Versus

1. Union of India
Through the Secretary,
Ministry of Labour,
Shram Shakti Bhavan,
New Delhi.
2. Regional Vocational Training Institute for Women
Kashinath Dhuru Path,
Dadar (W), Mumbai-400 028
3. National Vocational Training Institute for Women
D-1, Sector-1, Noida, U.P.
4. Director of Training (WOT),
D.G.E. & T, Shram Shakti Bhavan,
Rafi Marg, New Delhi-110 001.

-Respondents

(By Advocate: Mrs. R.O. Bhutia)

ORDER (Oral)

Hon'ble Shri Shanker Raju, Member (A)

Heard the counsel.

2. It is not disputed that the applicant had been accorded selection grade w.e.f. 25.09.1985, which has ultimately been withdrawn by an order passed by the respondents on 06.11.2003, which is impugned in the present OA. The aforesaid order has been passed on the basis of an observation made by the Bangalore Bench of the Tribunal in OA No.773/2002 in **S.S. Kamble Vs. Union of India**, where finding that the applicant was not eligible for selection grade w.e.f. 25.09.1985. It is expected that respondents therein would take appropriate


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action to correct the error by which the applicant, in the present OA, had been accorded selection grade.

3. Correcting the mistake, in which no show cause notice or prior opportunity has been accorded to the applicant to defend himself, in our considered view, when civil consequences ensue upon a Government servant, he has to be accorded an opportunity to show cause which is in consonance with the principles of natural justice.

4. Learned counsel for respondents, at this stage referred to Annexure A-10, a letter dated 5.12.2003, where the subject shows withdrawal of Selection Grade wrongly awarded. We find that the aforesaid letter has been issued on 5.12.2003, yet by an order dated 6.11.2003, respondents have already decided to withdraw the benefits from the applicant in the wake of principle of natural justice. We do not find any fraud or misrepresentation committed by the applicant. In the light of the decision of Apex Court in Shyam Babu Verma Vs Union of India & Ors., 1994 (27) ATC 121, respondents should meticulously examine this aspect of the matter, before withdrawing the selection grade.

5. In the result, OA is allowed. Impugned order causing civil consequences without following due procedure in violation of principles of natural justice cannot sustain in the eyes of law. Accordingly, impugned order is quashed and set aside. However, this shall not preclude them from taking appropriate action on applicant to show cause and also keep in mind the ratio laid down in Shyam Babu Verma's case (supra).


(Mrs. Chitra Chopra)
Member (A)


(Shanker Raju)
Member (J)

cc.