

(6)

In the Central Administrative Tribunal

Principal Bench: New Delhi

OA No.1883/92

Date of decision: 02.04.1993.

N.D. Devrani

...Applicant

Versus

Union of India & Others

...Respondents

Coram:-

The Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman (J)

The Hon'ble Mr. I.K. Rasgotra, Member (A)

For the Applicant

Shri V.S.R. Krishna, Counsel.

For the Respondents

Shri V.K. Rao, proxy Counsel

for Shri A.K. Sikri, Counsel.

Judgement(Oral)

(Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman (J))

A selection committee was held to appoint suitable candidates to the post of Assistant Administrative Officer. The selection committee found the applicant fit for such an appointment. On 28.3.89 the Project Director issued a memorandum stating therein that as a result of the decision of the selection committee the post of Assistant Administrative Officer was being offered to the applicant by the Project Director. On 20.12.1991, the Project Director passed an order reverting the applicant. This order is being impugned in this Original Application.

2. A reply has been filed on behalf of the respondents. Counsel for the parties have been heard. We are disposing of this Original Application finally.

984

(A)

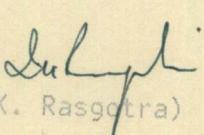
3. It appears to be an admitted position that the impugned order was passed without affording any opportunity whatsoever to the applicant to give his version. Counsel for the respondents vehemently urged that the initial

appointment of the applicant was illegal, as he had not fulfilled the requisite qualification. We find that immediately after the passing of the impugned order the applicant had submitted a representation setting out therein the relevant facts and specifically asserting therein that he was duly qualified. No-one, so far, has adjudicated upon the plea raised by the applicant even after the passing of the impugned order.

4. Apparently, the impugned order was passed in violation of the principles of natural justice. It is, therefore, not sustainable on this short ground alone.

5. Application succeeds and is allowed. The impugned order is quashed. It will be open to the authority concerned to pass a fresh order in accordance with law.

6. There shall be no order as to costs.


(I.K. Rasgotra)

Member (A)

San.


(S.K. Dhaon)

Vice-Chairman