

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn.No.OA 375/1992 Date of decision:21.04.1993.

Shri Surat Singh

... APPLICANT.

Vs.

Union of India & Another

... RESPONDENTS.

CORAM:

THE HON'BLE MR. JUSTICE, S.K. DHAON, VICE CHAIRMAN.

THE HON'BLE MR. S.R. ADIGE, ADMINISTRATIVE MEMBER

For the Applicant

...None.

For the Respondents

..Sh. P.S. Mahendru,
Counsel

JUDGMENT (ORAL)

(of the Bench delivered by Hon'ble Mr. Justice
S.K. Dhaon, Vice-Chairman)

The Notice dated 03.02.1992 issued by
the Divisional Personnel Officer, Northern Railway,
New Delhi, is being impugned in the present
application.

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2. By Order dated 29.01.1992, the petitioner, who was then an Assistant Manager in the Staff Canteen was promoted as Manager and posted in the Staff Canteen, DRM Office, New Delhi vice Shri Baishakh Singh. It is to be noted that in this order there is not even a whisper that the promotion was temporary or ad hoc or non-permanent.

3. The impugned Notice does not disclose any reason as to why the order dated 29.01.1992 had been suspended till further orders.

4. In the reply filed on behalf of the respondents, it is asserted that the order dated 29.01.1992 had been mistakenly issued as the post of a Manager of Canteen was a selection post and no proceedings had been drawn up for regular selection to that post. It is well settled that an order cannot be supplemented by means of an affidavit. The contents of the order alone will have to be examined objectively.

5. Admittedly, the impugned notice was issued without affording any opportunity to the petitioner. He had certainly acquired some sort of right on the basis of the order dated 29.01.1992. He could not be deprived of that right without being heard. The notice, therefore, is not sustainable.

6. The impugned Notice is quashed. It will be open to the respondents to pass a fresh order or issue a fresh notice in accordance with law.

7. There shall be no order as to costs.

S.R. Adige
(S.R. ADIGE)
MEMBER (A)
21.04.1993

S.K. Dhaon
(S.K. DHAON)
VICE CHAIRMAN
21.04.1993

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