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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A.2449 of 1993

New Delhi this the 2nd day of March, 1994

Mr. Justice S.K. Dhaon, Vice-Chairman  
Mr. B.K. Singh, Member

Shri Ashok Kumar  
R/o Pocket 'B', 97-D,  
Dilshad Garden,  
Delhi.

...Applicant

By Advocate Shri M.K. Gupta

Versus

Indian Council of Agricultural Research  
through its Secretary,  
Krishi Bhawan,  
New Delhi-110001.

...Respondent

By Advocate Shri Brijendra Chahar

ORDER (ORAL)

Mr. Justice S.K. Dhaon, Vice-Chairman

On the basis of the results of the limited Departmental Competitive Examination for Section Officers held by the A.S.R.B., the applicant was appointed to the post of Section Officer on a regular basis from the date he took over charge of the post. However, a period of 2 years of probation has been fixed in the letter of appointment. On 28.10.1993, the applicant took charge of the post of Section Officer. This is evident by the Office Order dated 28.10.1993 by the Under Secretary(A) concerned. On 18.11.1993, a Memorandum was issued by the Deputy Secretary(A) stating therein that the appointment of the applicant has been reviewed and upon the advice received ~~by~~ <sup>from</sup> the Department of Personnel & Training, it has been decided to hold the appointment of the applicant as null and void. Consequently, the applicant was reverted to his original post of Assistant. This Memorandum of 18.11.1993 is being impugned in the present application.

2. A counter-affidavit has been filed on behalf of the respondents. Counsel for the parties have been heard. Though this application has not been admitted as yet, but it is being disposed of finally as the point involved in it is a short one.


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
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3. It appears to be an admitted position that the applicant was not offered any opportunity of hearing before the impugned order was passed. In the counter-affidavit filed on behalf of the respondents it is admitted that two days before the passing of the impugned order, the applicant had made a representation but no orders were passed thereon. In the counter-affidavit it is not stated that the representation was duly considered before the impugned order was passed. We, therefore, proceed on the assumption that, in fact, the representation was not taken into account at all. Learned counsel for the applicant has very fairly stated at the Bar that the impugned order of reversion has been given effect to and the applicant stands reverted to his original post of Assistant. In these circumstances, this appears to be a fit case where we should direct that a post-decisional remedial hearing should take place. If the petitioner makes a representation now to the competent authority, which, according to the respondents, is the Secretary of the Institute, the same shall be disposed of on merits and in accordance with law with a speaking order after giving an opportunity of hearing to the applicant. The representation shall be disposed of within a period of one month from the date of receipt of the same by the competent authority along with a certified copy of this order.

4. With these directions, this O.A. is disposed of finally but without any order as to costs.

  
(B.K. SINGH)  
MEMBER (A)

  
(S.K. DHAON)  
VICE CHAIRMAN

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