

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Allahabad this the 31st Day of July 2000.

ORIGINAL APPLICATION NO. 248 of 1996.

CORAM :- Hon'ble Mr. Justice R.R.K. Trivedi, V.C.  
Hon'ble Mr. S. Biswas, Member (A).

Vijay Shanker Sharma, son of Shri Ram Lal  
Sharma, 4/0 208 Type-I Kendranchal Colony  
Dhoomanganj, Allahabad.

.....Applicant.

Counsel for the applicant:-

Shri Mukherjee.

V E R S U S

1. Union of India through: The Secretary Ministry of  
Finance, Department of Revenue  
North Block, New Delhi.

2. The Commissioner, Central Excise and Customs  
Sarvodaya Nagar, Kanpur.

3. Additional Commissioner (P and V) Central Excise  
Sarvodaya Nagar, Kanpur.

4. Allahabad, Commissioner Central Excise and Customs  
Allahabad,

.....Respondents.

Counsel for the respondents:- Shri A. Athalaker.

.... Contd.....

// 2 //

ORDER

(By Hon'ble Mr. Justice R.R.K.Trivedi, V.C.)

This application under section 19 of Administrative Tribunals act 1985 has been filed challenging order dated 18-1-1996 by which appointment of the applicant as L.D.C on promotion vide order dated 28-9-1995 had been cancelled. Learned counsel for the applicant has submitted that before passing the impugned order no opportunity of hearing was afforded to the applicant and order has been passed in violation of Principle of Natural Justice and is liable to be quashed.

Shri A. Pathalaker learned counsel for the respondents on the other hand submitted that the applicant was promoted as Hawaldar record on 27th March 1990 which was illegal, hence, the ~~subsequent~~ subsequent promotion as L.D.C. was also illegal. However, shri Pathalaker could not dispute the factual aspect that the impugned order has been passed without giving opportunity of hearing to the applicant.

We have considered the submission of the learned counsel for the parties. In our opinion, the impugned order dated 18 January 1996 could not be sustained as it was passed by Additional Commissioner Central Excise in ~~afforded~~ violation of the Principle of Natural Justice. The legal position is well settled that if any order which entails serious civil consequences against the incumbent is passed, he must be given reasonable opportunity of hearing before passing the order.

For the reason as stated above, this application is allowed. The order dated 18 January 1996 is quashed.

There shall be no order as to costs.

S. D.  
Member (A)

R.  
Vice chairman

/ Madhu/