

OPEN COURT.

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ALLAHABAD.

Original Application No.529 of 1997.

Allahabad this the 01st day of July 2003.

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

Hon'ble Mr.D.R. Tewari, Member-A.


Ali Abbas a/a 53 years
son of Sri Abrar Hussain

Presently posted as Chief Ticket
Inspector Northern Eastern Railway
Varanasi.

.....Applicant.

(By Advocate : Sri Sudhir Agrawal)

Versus.

1. The Union of India
through the Secretary
Ministry of Railways
New Delhi.
 2. The General Manager/General Manager (P)
Northern Eastern Railway,
Gorakhpur.
 3. The Divisional Railway Manager/Divisional
Railway Manager (P) Northern Eastern Railway
Gorakhpur.
 4. The Railway Board,
Railway Bhawan,
New Delhi through its Chairman.
 5. Sri Lakshman Sharma,
Conductor, Northern Eastern Railway
Varanasi.
 6. Sri B.P. Vaish,
Posted as Divisional Train Ticket
Inspector, Northern Eastern Railway
Allahabad City.
 7. Sri Ramesh Singh
Divisional Train Ticket Inspector
Northern Eastern Railway
Varanasi.
 8. Sri A.K. Benerji
Posted as Divisional Train Ticket Inspector
N.E. Railways, Allahabad City.
 9. Sri K.V. Shukla
Posted as Divisional Train Ticket Inspector
N.E Railways
Varanasi.
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10. Sri Radhey Mohan Tewari
Posted as Divisional Train Ticket Inspector
N.E. Railways
Gorakhpur.
11. Sri Ram Charitra Yadav
Posted as Divisional Train Ticket Inspector
N.E. Railways, Mau.
12. Sri K.K. Srivastava
Posted as Divisional Train Ticket Inspector
N.E. Railways
Varanasi.

.....Respondents.

(By Advocate : Sri P Mathur/Sri Lalji Sinha)

O_R_D_E_R

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

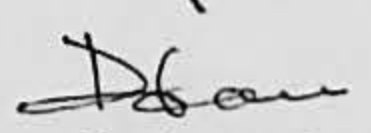
By this O.A. filed under section 19 of Administrative Tribunals Act 1985, applicant has challenged the order dated 14/17th March 1997 (Annexure 1), order dated 21.03.1997 (Annexure 2) and letter dated 31.03.1997. By aforesaid orders the earlier orders dated 13.06.1990, 12.08.1993 and 27.08.1993, by which seniority of the employees was determined, have been cancelled and the applicant has been reverted. Learned counsel for the applicant has challenged the order on various grounds¹ including that before passing the impugned orders, Opportunity of hearing was not given to him. It is submitted that as the orders were passed in favour of the applicant, they could not be legally cancelled² after³ period of four years without giving a show cause notice and opportunity of hearing to the applicant. The factual position in this regard is not disputed that the impugned order was passed without giving opportunity of hearing to the applicant. However,




learned counsel for the respondents submitted that the error was obvious in the order. In the circumstances the opportunity of hearing was not necessary. Sri P Mathur learned counsel for the respondents has further submitted that ^{2A} ~~by~~ challenging the similar order in the case of Kumbh Nath Vs. U.O.I and others has been allowed and matter was sent to the Concerned Authority for considering the case ^{again} ~~case~~. In the circumstances, the applicant is entitled for similar ^{relief} ~~reason~~.

3. The O.A. is allowed in-part. The impugned orders dated 14/17th March 1997 (Annexure 1), order dated 21.03.1997 (Annexure 2) and letter dated 31.03.1997 are quashed. The respondents shall pass fresh order in accordance with law, ~~However, respondents shall have~~ [✓] ~~liberty to pass fresh order~~ [✓] after giving opportunity of hearing to the applicant.

No order as to costs.


Member-A.


Vice-Chairman.

Manish/-