

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 20th day of March 2001

Original Application No.854 of 1998

CORAM :-

Hon'ble Mr. Justice RRK Trivedi, V.C.

Hon'ble Mr.S. Biswas, A.M.

1. Pankaj Kumar S/o Deo Dass Gupta,
Resident of Quarter No.473-A, New
Central Colony, Mughal Sarai,
Varanasi.
2. Vishwajeet Kumar Srivastava,
S/o Ram Narain Lal,
Resident of Village and Post Ali Nagár,
Mughal Sarai, Varanasi.

(Sri OP Gupta, Advocate)

..... Applicants

Versus

1. Inspector Railway Mail Service 'A',
II Sub Division Varanasi,
D-65/158, Lahartara, Varanasi.
2. Senior Superintendent of Railway Mail Service,
'A' Division, Allahabad.
3. Union of India Secretary Ministry of
Communication, Government of India,
New Delhi.

(Sri SC Chaturvedi, Advocate)

..... Respondents

O R D E R (O_r_a_l)

By Hon'ble Mr. Justice RRK Trivedi, V.C.

The facts giving rise to this application are that the post of EDDM had fallen vacant and the names were required to be sponsored by the Employment Exchange, the name of the applicant was also forwarded alongwith others. The selection took place in which the applicant was selected. The names of the applicants were shown at Serial Nos. 1 and 2 of the list. The copy of the selection list dated 13-11-1997 has been filed as Annexure-A-1.



The grievance of the applicant is that the applicant was not given appointment in pursuance of the same and subsequently without affording him any opportunity of hearing the selection has been cancelled vide order dated 25-5-1998 (Annexures-A-5 & A-6), aggrieved by which this OA has been filed.

2. Sri OP Gupta, counsel for the applicant has submitted that the order impugned in this OA is wholly illegal and void as the appointment of the applicant^{as} has been cancelled without affording ^{them} any opportunity of hearing. He has submitted that in case of cancellation of appointment of the petitioner^{as}, it was obligatory on the part of the respondents to give ^{them} opportunity of hearing. Reliance has been placed on the decision of the case in Munna Rai Vs. UOI & Ors, 2000(4) ESC 2464. Sri Pankaj Srivastava, on behalf of respondents submitted that the appointment suffered from irregularity and it has been rightly cancelled. However, he could not explain why the opportunity of hearing was not given to the applicant^{as}.

3. We have considered the submissions of the counsel for the parties and in our opinion, the applicants are entitled for relief as the impugned order of cancellation has been passed without affording any opportunity of hearing, the order is illegal and void and cannot be sustained. The legal position is well settled that any order entailing serious civil consequences can be passed only after due opportunity to the person concerned. In the present case that has not been done. The applicant^{as} are ^{are} entitled for relief. The OA is accordingly allowed.



The impugned order dated 25-5-1998 (Annexures-A-5 & A-6) is quashed. However, it shall be opened to the respondents to pass a fresh order after giving an opportunity to the applicant in accordance with law. There shall be no order as to costs.

S. Biju

Member (A)

R

Vice Chairman

Dube/