

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,  
ALLAHABAD.

Dated: Allahabad, the 10th day of April, 2001.

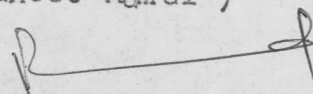
Coram: Hon'ble Mr. Justice R.R.K. Trivedi, VC  
Hon'ble Mr. S. Dayal, A.M.

ORIGINAL APPLICATION NO. 1080 OF 1998

1. Radha Mohan Pandey,  
son of Sri U.K. Pandey.
2. Rajratna Abhilashi,  
son of Sri D.P. Sinha,
3. Bashist Sharma,  
son of Sri Viswanath Sharma.
4. Shiv Murti Singh Yadav,  
s/o Sri Panchu Gopal Yadav.
5. Ravindra Ram,  
son of Baij Nath.
6. Anil Kumar,  
son of Ranji Ram.
7. Dinesh Mishra,  
son of Vidya Nand Mishra.
8. Nimai Chand Das,  
son of late Pandhu Lal Das.
9. Kanhaiya Prasad,  
son of Bare Lal.
10. Doodh Nath Das,  
son of Sri Ram Neti Das.
11. Dulal Chand Mandal,  
son of late Seba Das Mandal.
12. Kailash Mumur,  
son of Sri Bhagwan Mumur.

All the applicants care of Senior  
Divisional Electrical Engineer, T.R.D.  
(Traction Renout Distribution Department),  
Eastern Railway, Moghalsarai, District  
Chandauli-232101.

(By Advocate: Sri Suneet Kumar )



2.

Versus

1. Union of India through the Secretary,  
Ministry of Railway, Baroda House,  
New Delhi.
2. Divisional Railway Manager,  
Eastern Railway,  
Moghalsarai.
3. Senior Divisional Personnel Officer,  
Eastern Railway, Moghalsarai.

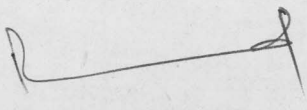
. . . . . Respondents  
(By Advocate : Sri Amit Sthalekar )

O R D E R (ORAL)

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

This O.A. under Section 19 of the Administrative (Tribunals) Act, 1985 has been filed, challenging the order dated 9.9.98 (Annexure No.4 to the Application), by which selection proceedings to fill up the post of Fitter/Lineman Grade III in the scale of Rs.3050-4590 in Pre-Audit Department has been cancelled. It appears that for the promotion, written test was held on 16.8.97 and 23.8.97 and viva voce was held on 3rd October, 1997. Thereafter, a panel was published. In the impugned order, Respondent no.3 has only stated that due to procedural defects the selection is being cancelled. However, the procedural defects have not been specified. In para-16 of the Counter Affidavit also, procedural defects have not been specified. The learned counsel for the applicants has submitted that the applicants qualified


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3.

the written test and thereafter viva voce. The panel was published on 12th November, 1997. The applicants were declared successful and their selection could not be cancelled in the manner it has been done by the respondents. It is submitted that the valuable right had accrued to them and if there was procedural irregularity, they ought to have been given notice before cancelling their selection and panel. Sri Amit Sthalekar, counsel for the respondents, on the other hand, relied mainly on Paragraph-16 of the Counter Affidavit and submitted that the selection suffered from procedural illegality and the same could not be sustained. However, he was unable to point out the nature of procedural illegality or irregularity with which the selection suffered. We are not able to see any cogent reason for cancelling the selection either from the impugned order or from the counter affidavit. In our opinion, the order cannot be sustained. The impugned order can also not be maintained, as it has been passed in violation of principle of natural justice.

2. For the reasons stated above, this O.A. is allowed. The impugned order dated 9.9.98 (Annexure No.4 to the OA) is quashed. However, it shall be open to the Respondents, if they are so advised, to pass fresh order against the candidates mentioned in the panel after giving to each of them reasonable opportunity of hearing. The order passed should be a speaking order. Fresh orders, if any, may be passed within three months. After three months, the panel shall become effective. No order as to costs.

  
(S. DAYAL)  
MEMBER (A)

  
(R. R. K. TRIVEDI)  
VICE- CHAIRMAN

Nath/