

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1154 of 1998
alongwith

Original Application No. 1205 of 1998

Allahabad this the 04th day of April, 2001

Hon'ble Mr.S.K.I. Naqvi, Member (J)

O.A.NO.1154 of 1998

1. Samiullah a/a 35 years S/o Shri Mohd. Bux, R/o 201, Faithful Ganj, Cantt.Kanpur Nagar.
2. Ramesh Chandra a/a 35 years S/o Late Sudama Lal, R/o Mohalla:Meerpur, Cantt.Kanpur Nagar.

Applicants

By Advocate Shri Deepak Jaiswal

O.A.No. 1205 of 1998 ✓

1. Abdul Hamid a/a 55 years S/o Abdul Wahab, R/o 219, Chandari, Kanpur(T.N.4830/L) ..
2. Ashhar Hussain a/a 56 years S/o Late Altaf Hussain R/o 101/250, Bakan Ganj, Kanpur(T.No.4833/L)
3. Jai Jai Ram A/a 55 years S/o Not known, R/o A 216 Pokharpur Colony, Jajmau, Kanpur(T.No.3383)
4. Baij Lal a/a 55 years S/o Late Rameshwar, R/o 6 Gola Ghat, Kanpur(T.N.6696/L)
5. Shambhu Dayal, a/a 57 years S/o Late Satya Narain R/o 119/357, Darshan Purwas, Kanpur(T.N.6037/L).
6. Maiku Lal a/a 58 years S/o not known/ R/o 130/172 Bagahi, Kidwai Nagar, Kanpur(T.N.6287/L).

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7. Suraj Prasad a/a 58 years S/o Shri Ujagar Prasad R/o 12/11, Safed Colony, Dada Nagar, Kanpur (T.N.6067/L).
8. Mohd. Israil a/a 38 years S/o Abdul Rauf, R/o 53/2, Faithful Ganj, Cantt. Kanpur (T.N.8014/L)
9. Gulab Singh a/a 38 years S/o Sri Sampat Singh R/o 478/C, Anwar Ganj, Railway Colony, Kanpur (GT.N.8140/L)
10. Raj Kumar a/a 42 years S/o Shri Teerath R/o 13/313, Parmat, Kanpur (T.N.8041/L)
11. Mohd. Idris a/a 37 years S/o Abdul Hamid, R/o 130/556, Bakar Ganj, Kanpur (T.N.8081/L)
12. Kalim Akhtar a/a 37 years S/o Mohd. Amim R/o 201, Faithful Ganj, Cantt. Kanpur (T.N.8003/L)
13. Mukhtar a/a 35 years S/o Mohd. Ayub, R/o 99/232, Kanghi Mohal, Nala Road, Kanpur (T.N.8098/L)

Applicants

By Advocate Shri Deepak Jaiswal

versus

1. Union of India through Ministry of Personnel Public Grievances & Pensions (Department of Personnel & Training) North Block, New Delhi.
2. Works Manager (Administration-II), Ordnance Parachute Factory, Kanpur.
3. General Manager, Ordnance Parachute Factory, Kanpur.

(Respondents in both the cases)

By Advocates Shri Satish Mandhyan
Shri J.N. Sharma

O_R_D_E_R (Oral)

By Hon'ble Mr.S.K.I. Naqvi, Member (J)

In O.A.No.1154 of 1998 and O.A.No.1205 of 1998, the controversy in respect of law and facts is

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almost the same and, therefore, both these cases are being heard and decided by one order.

2. The grievance of the applicants in both the cases is almost the same that their L.T.C. claim has been rejected and recovery made without opportunity to explain the position and, therefore, violative of principle of natural justice.

3. As per respondents case, the applicants travelled through the agency of Bus which does not belong to Tourism Corporation as alleged and claimed by the applicant, but the same was ~~hired~~ ^{for} bus by the Corporation and thereby violative of rules and directions in this regard.

4. Heard counsel for the parties and perused the record.

5. Learned counsel for the applicants referred the order passed by the Tribunal on 27.11.00 in O.A. No.569 of 1999 in which a matter of similar nature came up for hearing and has been decided by quashing the impugned order therein mainly on the ground that before passing the order the applicants were not given an opportunity of hearing.

Considering

6. ~~Considering~~ the facts and circumstances of the matter and I am of the view that the decision taken in above referred O.A. by this Tribunal is squarely applicable to the present matters also.

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7. For the above, both the O.As are allowed and impugned order in both the O.As (annexure A-8 and A-9 in O.A.1154/98 and annexures A-5 to A-17 in O.A.No.1205/98) are quashed. However, it will be open to the respondents to pass a fresh reasoned order in accordance with law after giving an opportunity of hearing to the applicants. No order as to costs.

8. Copy of order in O.A.No.569/99 rendered on 27.11.2000 be retained on file.

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