

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD**

Original Application No.805 of 2004

Allahabad, this the 12th day of May, 2009.

Hon'ble Mr. A.K. Gaur, Member-J
Hon'ble Mr. S.N. Shukla, Member-A

Diwakar Singh, son of Shri Amrit Prasad, Roll No.2016865 and Rank No.SLA/04/0046, resident of Village Kunjhaila, Police Station Roh and District-Nawadah (Bihar).

..Applicant.

By Advocate : Shri Niraj Tiwari

Versus

1. Union of India, through Principal Secretary, Ministry of Personnel Public Grievances and Pensions, Civil Secretariat, New Delhi.
2. The Regional Director (C.R.) Government of India, Staff Selection Commission (CR) Department of Personnel and Training, Ministry of Personnel Public Grievances and Pensions, 8 AB, Beli Road, Allahabad.
3. The Vice Chancellor, Hindi Vidyapith, Deoghar, Jharkhand.
4. The Registrar, Hindi Vidyapith, Deoghar Jharkhand.

..Respondents

By Advocate : Shri S.C. Mishra.

O R D E R

By Hon'ble Mr. A.K. Gaur, Member-J :

Learned counsel for the applicant at the very out set stated that order dated 22.12.2003 has been passed in violation of Principle of natural justice and fair play and no opportunity of hearing has been granted to him before passing the impugned order. According to the applicant he was selected for the post of Divisional Auditor by the Staff Selection Commission, Allahabad in the combined (Main)

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Graduate Level Examination 2001 which was held on 22.12.2002 at Patna and the said examination was conducted by Commission. The Roll No. of the applicant is 2016865. The result of the main examination was published on 6.10.2003 by the Commission and the applicant came to know about his final result from the Employment News of 14.10.2003 (Annexure-4). While the applicant was posted as Divisional Auditor at Chandigarh, he was surprised to know that vide letter dated 22.12.2003 his candidature for appointment on the post of Divisional Auditor has been cancelled by the respondents. The applicant has obtained his Graduation Degree in Hindi Literature from Deoghar Vidyapith, Jharkhand in 1998 and the said degree is equivalent to the Graduation Degree. The applicant is aggrieved by the action of the respondents that no opportunity of hearing has been granted to him before passing the order dated 22.12.2003. The appointment of the applicant has been cancelled in utter violation of Principle of natural justice and fair play. Learned counsel for the applicant would further contend that in view of several Government Circulars issued by Central and State Government, it is settled that a Degree of "Sahityalankar" issued by Deoghar Vidyapith is equivalent to Graduation Degree.

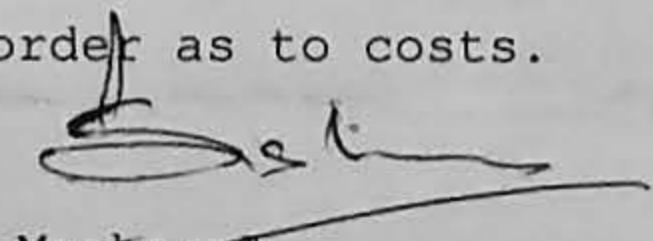
2. Having given our anxious thought to the pleas advance by parties counsel, we are satisfied that the order dated 22.12.2003 has been passed in

violation of Principle of natural justice. In order to buttress the said contention, following Supreme Court cases have been cited : 1998 SCC (L&S) 85 N.K. **Durga Devi Vs. Union of India**, 1976 (4) SCC 226-
Government of Andhra Pradesh Vs. Janardhan Rao, 1980 SCC (L&S) 423 R.R. **Verma Vs. U.O.I.** and 1980(3) SCC 393 **Amrik Singh Vs. Union of India & ors.** It is argued that the position of law is clear that an order having civil consequences, if passed in violation of Principle of Natural Justice and without giving a hearing to the applicant would be void. On this limited point the impugned order dated 22.12.2003 is quashed and set aside with a direction to the competent authority to either afford opportunity of hearing to the applicant or to give him show cause notice.

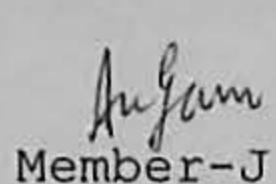
3. It would however open to the authorities concerned to pass an appropriate order, if they consider it so necessary according to law within a period of three months from the date of receipt of a copy of this order.

4. Accordingly, the OA is allowed, order dated 22.12.2003, is quashed and set aside. It would however, be open to the competent authority to pass appropriate reasoned and speaking order within a period of three months, if they consider it so necessary in accordance with law.

5. No order as to costs.



Member-A



Member-J