

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

Original Application No. 282 of 1992

Ram Niwas ..... Applicant

Versus

Union of India and Ors ..... Respondents

Connected with

O.A. 1105 of 1992

Anupam Kumar ..... Applicant

Versus

Union of India and Ors ..... Respondents

and

O.A. No. 1106 of 1992

Arun Kumar ..... Applicant

Versus

Union of India and Ors ..... Respondents

CORAM:

HON'BLE MR. MAHARAJ DIN MEMBER(J)

HON'BLE MISS. USHA SEN. MEMBER(A)

( By Hon. Mr. Maharaj Din, J.M. )

The applicant has filed this application Under section 19 of the Administrative Tribunals Act seeking the relief for setting aside the impugned order of cancellation of appointment.

2. The applicant along with five others was appointed as E.D.D.A.S vide order dated 5.2.92(Annexure A-4) The Supdt. Railway Mail Service S.H. Division Saharanpur directed the head record officer to cancel the order of

.../p2

:: 2 ::

appointment of the applicant vide letter dated 11.2.92 (Annexure A-1). The applicant being aggrieved by the impugned order has approached this Tribunal seeking the relief mentioned as above. The respondents filed counter reply and resisted the claim of the applicant inter alia on the ground that certain irregularities were done in making selection for the post of EDDAS and the correct marks were not calculated while making the final selection.

3. We have heard the learned counsel for the parties and gone through the record of the case.

4. The order of cancellation of appointment (Annexure A-1) have been assailed on the ground that it has been passed without affording any opportunity to the applicant being heard, as such according to the applicant the impugned order is arbitrary and has been passed against the principle of natural justice. The applicant in support of his arguments referred 'Shravan Kumar and Others Vs. State of Bihar, Supreme Court (Supp(1) SCC) cases 1991 page 330, wherein it is laid down that the holders of appointment order are entitled to an opportunity of hearing before cancelling their appointment and that the cancellation order without complying with the rules of natural justice is liable to be set aside.

5. The respondents do not challenge that the impugned order of cancellation was passed without hearing, the applicant. So considering the law profounded in the case referred to above, we are of the view that the impugned order is liable to be set aside.

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6. The application of the applicant is accordingly allowed and the impugned order dated 11.2.92 (Annexure A-1) is hereby set aside. The respondents are however, at liberty to pass a fresh order about the validity of the appointment of the applicant as E.D.D.A.S after affording an opportunity to the applicant of being heard.

7. There shall, however, be no order as to costs. Let a copy of the judgment may be placed in the connected O.A. Nos. 1101/92 and 1106/92.

Member(J)

Dated: March 10th, 1994

Uv/