

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 3RD DAY OF AUGUST, 2000

Original Application No. 242 of 1993

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MR.S.BISWAS, MEMBER(A)

1. R.K.Pandit
2. Phul Chand
3. Bindeshwari ram
4. Deopujan
5. Harandra Prasad

All resident of Govind Lodge
District Varanasi.

.... Applicants

(By Adv: Shri S.K.Dey)

Versus

1. Union of India through the General Manager
Eastern Railway, 17 Netaji Sibhas Road
Calcutta-1
2. The Senior D.P.O, Eastern Railway
Moghalsarai

.... Respondents

(By Adv: Shri S.N.Gaur)

O R D E R(Oral)

(By hon.Mr.Justice R.R.K.Trivedi,V.C.)

By this application u/s 19 of the Administrative Tribunals Act, 1985 the applicants have prayed for ~~direction to the respondents to~~ quash the order by which their names were deleted from the register and further to direct them to reinstate the applicant in the service with consequential benefits.

The facts in short are that the applicants were engaged as Substitute Khalasis in the year 1980 on different dates after medical examination. However, in 1984, their services were dispensed with. Initially they filed Original Suit No.210/84 in Civil Court which was transferred to this tribunal and was registered as TA 1226/86. The application was disposed of by this Tribunal on 29.9.1992 by the following order:-

"Accordingly this application has become infructuous and is hereby dismissed. However, we make it clear that it is for the applicants to approach the Tribunal claiming relief against their termination or the rights, if any, which they can acquire on the basis of their working for more than 240 days.

No order as to costs. Shri G.D.Mukherji counsel for the respondents is present."

There after the applicants filed this application on 15.2.1993. In counter affidavit in para 6 it has been admitted that the applicants were medically examined and thereafter they were engaged as Substitute Khalasis. However, in para 8, it has been stated that the names of the applicants were deleted from Substitute list. As on verification it was found that they were engaged without proper authority. In our opinion, if after four years engagement the applicants ^{"appointment"} were found irregular, ^{and} they were entitled for an opportunity of hearing before any ^{order was} passed adversely affecting their interest. The learned counsel for the applicant relied on an unreported Judgement in OA 1213/80 Hira Lal & Another Vs. Union of India and Others. The legal position is well settled that whenever an order entailing serious civil consequences is passed, a reasonable opportunity of hearing should be afforded to the ^{affected} ~~effective~~ persons. We are not prepared to accept the submission of the learned counsel for the respondents that as engagement was not without proper authority no opportunity of hearing was required to be given

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For the reasons stated above this application is allowed. The respondents are directed to pass a fresh order after giving applicants an opportunity of hearing in accordance with law. There will be no order as to costs.

S. B.
MEMBER(A)

J
VICE CHAIRMAN

Dated: 3.8.2000

Uv/