

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD.

This the 06th day of March 2002

Original Application no. 1889 of 1994.

Hon'ble Mr. Justice R.R.K. Trivedi, Vice-Chairman
Hon'ble Maj Gen K.K. Srivastava, Member (A)

R.P. Pandey, S/o Sri Ramji Pandey,
R/o Vill and Post Office Sohanpur,
Distt. Deoria, presently working as C.S.I.
(Con./Special) Under D.S.T.E. (Con.), Gorakhpur.

... Applicant

By Adv : Sri B. Tewari

V E R S U S

1. The Union of India through General Manager,
N.E. Rly., Gorakhpur.
2. G.M.(P), N.E. Rly., Gorakhpur.
3. D.S.T.E. (Con.), N.E. Rly., Gorakhpur.

... Respondents

By Adv : Sri A.K. Gaur

O R D E R

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

By this OA, filed under section 19 of the A.T. Act, 1985, the applicant has prayed for a direction to the respondents to ~~implement~~ implement the order dated 28.09.1992 (Ann 6) and grant him seniority as well as Consequential benefits. The applicant has also challenged the orders dated 11.12.1992 (Ann 2) by which the order dated 28.9.1992 was set aside and order dated 31.8.1994 by which objections were invited against the interim seniority list circulated amongst the employees.

2. Sri B. Tewari, learned counsel for the applicant, has submitted that by order dated 28.9.1992, passed by General Manager (P), the claim of the applicant for seniority was examined and accepted and his seniority was recasted. However, without giving him any opportunity for hearing, by impugned order dated 16.12.1992 this order was set aside. The order is liable to be quashed being violative of principle of natural justice. It is also submitted that the order is void and nonest.

3. It appears that during this pendency the respondents recasted the seniority list and invited objection by order dated 31.8.1994 (Ann 1). In reply to which the applicant filed his representation (Ann 8). During the pendency of this OA the final seniority list has been published on 13.7.1995. The applicant has been restored his position which was granted to him in the seniority list by order dated 28.9.1992. The applicant ~~was~~ thus satisfied so far as his seniority is concern. However, it has been submitted by learned counsel for the applicant that if the impugned order dated 16.12.1992 is not quashed the applicant will not be entitled for benefit which accrued to applicant under rule on the basis of the order dated 28.9.1992.

4. Sri A.K. Gaur, on the other hand submitted that his seniority has already been restored and no order is required in this O.A. and it has been rendered infructuous.

5. We have considered the submissions of learned counsel for the parties and on perusal of impugned order dated 16.12.1992 it is clear that some benefit could be available to the applicant on the basis of the order dated 28.9.1992 which he

3.

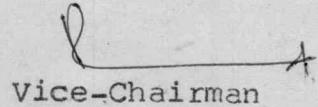
may not get now as the order was set aside. The legal position cannot be disputed that any order which ~~entails~~ ^{is civil} ~~against a~~ ^{very} serious consequences can be passed ~~to any~~ ^{against a} person only after giving him opportunity of hearing, which in the present case has not been done. Consequently, the order dated 16.12.1992 is liable to be quashed.

6. For the reasons stated above the order dated 16/23.12.1992 is quashed. However, no orders are required so far as the order dated 31.8.1994 ^{is concerned} is concerned. The OA is decided accordingly.

7. There shall be no order as to costs.



Member (A)



Vice-Chairman

/pc/