

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 6th day of July, 2000

COUNSEL

Hon'ble Mr. Justice RAK Tripathi, V.C.

Hon'ble Mr. MP Singh, A.M.

I. Original Application No. 1259 of 1994

District : Fatehpur

Chatrapal son of Ram Bisa
Posted as welder Grade II
in the Office of Permanent Way Inspector,
Khaga, Fatehpur, District Fatehpur.

(Sri Sudhir Agrawal, Advocate)

..... Applicant

versus

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
2. Senior Divisional Engineer (C), Northern Railway Manager's Office, Nawab Yusuf Road, Allahabad.
3. Senior Divisional Personnel Officer, Northern Railway, Divisional Railway Manager's Office, Nawab Yusuf Road, Allahabad.
4. Assistant Engineer (I), Northern Railway, Allahabad.

(Sri P. Mathur, Advocate)

..... Respondents

A N D

II. Original Application No. 1260/1994

District : Allahabad

Sharia Prasad son of Ramjiawan,
Presently posted as welder Grade II in
the Office of Permanent Way Inspector,
Bharwari, District Allahabad.

(Sri Sudhir Agrawal, Advocate)

..... Applicant

versus

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.

(11)

2. Senior Divisional Engineer (C), Northern Railway, Divisional Railway Manager's Office, Nawab Yusuf Road, Allahabad.
3. Senior Divisional Personnel Officer, Northern Railway, Divisional Railway's Manager's Office, Allahabad.
4. Assistant Engineer (Track), Northern Railway, Allahabad.

(Sri K.D. Pandey, Advocate)

. Respondents

A N D

III. Original Application No. 1261 of 1994

District : Fatehpur

Kamla Shankar son of Raj Bahadur, Posted as Welder Grade II in the Office of Permanent Way Inspector, Khaja, Fatehpur Distt Fatehpur.

(Sudhir Agrawal, Advocate)

. Applicant

versus

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
2. Senior Divisional Engineer (C), Northern Railway, Divisional Railway Manager's Office, Nawab Yusuf Road, Allahabad.
3. Senior Divisional Personnel Officer, Northern Railway Manager's Office, Nawab Yusuf Road, Allahabad.
4. Assistant Engineer (Track), Northern Railway, Allahabad.

(Sri Prashant Mathur, Advocate)

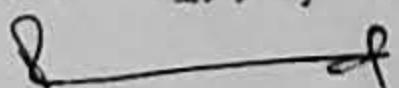
. . . Respondents

ORDER (Overall)

By Hon'ble Mr. Justice R.K. Tripathi, V.C.

In all the aforesaid three OAs the question of facts and law are similar and they can be disposed of finally by a common order against which learned counsel for the parties have no objection.

2. The applicants have questioned the legality of the order dated 7-7-1994, Annexure-A-1 to the



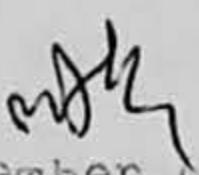
QAS [✓] by means of which 20 employees were recruited from Welder Grade III to Welder Grade II and Aligners and Grinders. Sri Sudhir Agrawal has submitted that the applicants were promoted by the order dated 25-9-1988. The impugned order was passed after more than six years, during which period the applicants were granted further promotion. It is submitted that in these circumstances as the order entails serious civil consequences against the applicants, they should have been provided reasonable opportunities of hearing before being reverted to the lower post.

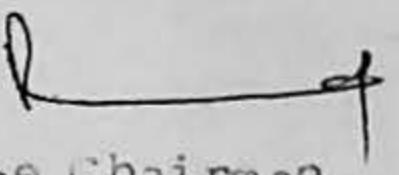
2. Sri Prashant Mathur, counsel for the respondents on the other hand submitted that the applicants were recruited to the lower post ~~as~~ ^{and} ~~as~~ their promotion to the Welder Grade III was not approved by the competent authority. Sri Sudhir Agrawal, counsel for the respondents disputed this fact and has submitted that the approval was granted by Senior Divisional Engineer-II, Allahabad who was competent authority and exercised the delegated power of the Board. However, Sri Prashant Mathur has not been able to controvert that the impugned order was passed against the applicants without affording any opportunity of hearing.

3. Considering the facts and circumstances of the case, since the impugned order has been passed in clear violation of the principles of natural justice without affording opportunity of hearing to the applicants, the order cannot be sustained and the impugned order is set aside on this question. It is not necessary for us to

enter into other questions raised.

4. For the reasons stated above, these applications are allowed. The impugned orders dated 7-7-1994 (Annexure-1 in all the three abovementioned UAs) are set aside. However, it shall be open to the respondents to pass fresh order in accordance with law after affording opportunities to the applicants. There shall be no order as to costs.


Member (A)


Vice Chairman

Dube/