

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 21ST DAY OF AUGUST, 2002

Original Application No.853 of 2002

CORAM:

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

HON.MAJ.GEN.K.K.SRIVASTAVA

Mahendra Singh Martolia
Son of Shri Man Singh
Resident of Qr.No. Golf Course
Colony, Kanpur Nagar.

... Applicant

(By Adv: Shri R.K.Shukla)

versus

1. Union of India through
The Secretary, Ministry of
Defence, Department of Defence
Production, Govt. of India,
New Delhi.
2. The Secretary, Ordnance Factory
Board, 10-A, Shaheed Khudi Ram
Bose Road, Calcutta--1
3. The Addl.D.G.O.F,
Ordnance Equipment Fys Group
HQrs, Ayudh Upaskar Bhawan,
G.T.Road, Kanpur.
4. The General Manager, Ordnance
Equipment Factory, Kanpur.

... Respondents

(By Adv: Shri R.C.Joshi)

O R D E R(Oral)

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

By this OA u/s 19 of A.T.Act 1985 applicant has
challenged the action of the respondnets by which his
pay scale has been reduced from 3590 to 3510 and he has
been deprived of the benefit of ACP Scheme on the
ground that he was not eligible for the benefit of the
ACP Scheme.

The facts as indicated in the application are that applicant though initially joined as Durwan on 12.5.1984(Annexure A3), ~~However~~, vide order dated 22.3.1985(Annexure 4) his cadre was changed from Durwan to Record Supplier w.e.f. 31.3.1985 and he was kept under probation for a period of two years. By order dated 4.5.1987 applicant was confirmed on completing two years probation period. Thus, the documents filed alongwith the application are clear that the applicant continued as record supplier and was confirmed thereafter completion of the probation period. The confirmation on the basis of Durwan in the circumstances cannot be justified in any manner. The applicant was granted benefit of ACP Scheme on the basis of his services rendered AS Record Supplier. This position has been doubted and by the impugned order applicant has been deprived of the benefit and his pay scale has been reduced by order dated 6.3.02(Annexure 1). He has not been afforded any opportunity of hearing before taking this action. In our opinion, the order dated 6.3.02 and the order dated 7.1.02 on which basis the order has been passed are liable to be quashed on the short ground that the orders have been passed in violation of the principles of natural justice. It cannot be disputed that the orders entailed serious ^{Civil} ~~against applicant~~ consequences and they could be passed only after affording opportunity of hearing to the applicant.

The OA is accordingly allowed. The order dated 6.3.02(Annexure 1) and the order dated 7.1.02 are quashed so far applicant M.S.Martolia is concerned. The respondents are directed to reconsider the whole matter within a period of three months from the date a copy of this order is filed alongwith representation.



:: 3 ::

However, there will be no order as to costs.



MEMBER(A)



VICE CHAIRMAN

Dated: 21st Aug: 2002

Uv/