

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.943 OF 2003  
ALLAHABAD THIS THE 20TH DAY OF AUGUST, 2003

HON'BLE MR. JUSTICE R.R.K. TRIVEDI, VICE-CHAIRMAN  
HON'BLE MAJ GEN. K.K. SRIVASTAVA, MEMBER-A

1. J.P. Srivastava  
S/o Shri Sheoji Prasad Srivastava,  
R/o H.No.150/12, Babupurwa New Colony,  
Kidwai Nagar,  
Kanpur.
2. Amitava Dey,  
S/o Late N.G. Dey,  
R/o H.No.128/256, K. Block Kidwai Nagar,  
Kanpur.
3. C.P. Nigam  
S/o Late Ram Prasad Nigam,  
R/o 42/L-7, Dabauli,  
Kanpur.
4. R.B. Sharma,  
Son of late P.C.I. Sharma,  
R/o H.No.46/10,  
Block No.5, Govind Nagar,  
Kanpur. ....Applicants

(By Advocate Shri R.K. Shukla)

Versus

1. The Union of India,  
through the secretary,  
Ministry of Defence,  
Dept. of Defence Production & Supplies,  
Govt. of India,  
New Delhi-11.
2. The Director General of Quality Assurance,  
Dept. of Defence Production,  
Ministry of Defence,  
Defence Head Quarters,  
New Delhi-11.
3. The Controller General of Defence Accounts,  
New Delhi.



4. The Quality Assurance Officer,  
Quality Assurance Establishment (A),  
Q.A.E. (FG),  
Kanpur-208009.
5. The Controller,  
Controller of Quality Assurance (GS),  
Post Box No. 127,  
Kanpur. .... Respondents  
(By Advocate Shri R.C. Joshi)

ORDER

HON'BLE MR. JUSTICE R.R.K. TRIVEDI, VICE-CHAIRMAN

The grievance of the applicants is that they were granted benefits of the Assured Career Progression (ACP) Scheme on 09.08.1999. However, by the impugned order dated 09.05.2003 (Annexure A-1), this benefit has been taken away without giving any opportunity of hearing to the applicants. The order granting benefit of ACP Scheme has been cancelled by order dated 28.05.2003 (Annexure A-2). The learned counsel for the applicant has submitted that as applicants were granted benefit of ACP Scheme on 09.08.1999 and since then four years have passed, the benefits could not be taken away by respondents without giving opportunity of hearing. It is submitted that the order is violative of principles of natural justice and is liable to be set aside on this ground alone.

2. The learned counsel for the applicant also submitted that before filing this O.A. applicants filed separate representations on different dates, copies of which have been filed as Annexure A-8. It is also submitted that no action has yet been taken on the representations filed by the applicants.

3. We have carefully considered the submissions made by

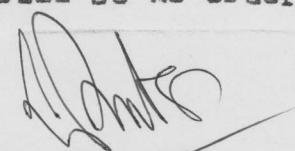
the applicant's counsel.

4. There is no doubt about the legal position that before passing any order entailing serious civil consequences, opportunity of hearing should be given to the person concerned. In the present case, there is nothing in the impugned orders (Annexure A-1 & A-2) to show that any opportunity of hearing was given to the applicants.

5. In the circumstances, the order suffers from manifest illegality. However, as the applicants have already approached the respondents by making separate representations, in our opinion, ends of justice shall be better served if the respondent nos. 2 and 3 are directed to consider and decide the representations of the applicants by a reasoned order within a specified time and till that date the impugned orders may not be given effect against the applicants.

6. For the reasons stated above, this O.A. is disposed of finally with a direction to respondent nos. 2 and 3 to consider the representations of the applicants and pass a detailed and reasoned order within a period of four months from the date a copy of this order is filed or till the representation is decided whichever is earlier. The impugned orders dated 09.05.2003 (Annexure A-1) and 28.05.2003 (Annexure A-2) shall not be given effect against the applicants. To avoid delay it shall be open to the applicants to file a copy of the representation alongwith copy of the order.

7. There will be no order as to costs.



Member-A



Vice-Chairman

/Neelam/