

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A.NO./448/90
T.A.NO.

DATE OF DECISION 30-1-1997

Shri N.M. Shrimali & ors. Petitioner

Mr.P.H.Pathak Advocate for the Petitioner [s]
Versus

Union of India & ors. Respondent

Mr.Akil Kureishi Advocate for the Respondent [s]

CORAM

The Hon'ble Mr. V.Radhakrishnan Member (A)

The Hon'ble Mr. T.N.Bhat Member (J)

JUDGMENT

- 1, Whether Reporters of Local papers may be allowed to see the Judgment ?
- 2, To be referred to the Reporter or not ?
- 3, Whether their Lerdships wish to see the fair copy of the Judgment ?
- 4, Whether it needs to be circulated to other Benches of the Tribunal ?

1. Shri N.M.Shrimali
2. " J.J.Parmar
3. " N.K.Bhatt
4. " R.K.Solanki
5. " G.I.Vanker
6. " R.M.Shrimali

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Ahmedabad.

Applicants

Advocate MR.P.H.Pathak

versus

1. Union of India, Through :
The Postmaster General,
Baroda Region,
Baroda.
2. Sr.Suptd.of Post Office,
Kheda Division,
Anand.

Respondents

Advocate Mr.Akil Kureshi

ORAL ORDER

O.A.448/90

Date: 30-1-1997

Per Hon'ble Shri T.N.Bhat

Member (J)

hgn Heard the learned counsel for the
parties. The applicants were empanelled for

appointment/promotion to Group 'D' posts and were also sent for training. The applicants admittedly completed the training. According to the applicants, after undergoing training, they worked for some time in their respective offices, though they do not state precisely as to what posts were hold by them. However, in view of the order which we propose to make this question is not very important.

2. After the applicants were empanelled and the order empanelling them remained in force for a couple of years, the respondents cancelled the order by the impugned order dated 29-8-1990. In the aforesaid order, it has been stated that the list of 6 APCs postmen cadre, who were declared successfull vide office memo dated 12-4-1988 is cancelled. No reasons have been assigned nor was the aforesaid order passed after giving the applicants an opportunity of being heard. It is true that mere empanelment does not give an indefeasible right for appointment. But it is equally true that if an order empanelling the persons is subsequently cancelled or set aside an opportunity of being heard must be afforded to the employee. This has not been done in the present case.

3. In the event, this O.A. is allowed, the impugned order dated 29-8-1990 is quashed. Needless to say that the applicants shall continue to hold the posts with consequential benefits which they were holding immediately prior to the issuance of the above order. It shall, however, be open to the respondents to pass appropriate orders after giving ~~to~~ show cause notice to the applicants. No order as to costs.

July 30, 1997.
(T.N.BHAT)

Member (J)

VR
(V.RADHAKRISHNAN)
Member (A)

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