

23.05.2003

Mr. R. S. Charan counsel for the applicant.
Mr. P. R. Patel counsel for the respondents.

Through this OA, the applicant calls in question the order dated 30.04.2002 (Annexure A-1), whereby the period between 18.04.2002 to 29.04.2002 has been treated as 'Dies non'.

2. The case for the applicant is that this order has been passed without affording an opportunity of hearing to him. It is stated that even no show cause notice was issued to the applicant and hence the order is liable to be quashed.

3. In the reply, this fact is not disputed that before issuing the order dated 30.04.2002 (Annexure A-1), no show cause notice was given to the applicant.

4. It has to be accepted that the effect of the order Annexure A-1 is that the period mentioned in the said order shall be treated as absent from duty and civil consequence will follow. Such an order ought not have been issued without affording an opportunity to the applicant to show cause against the proposed action. The impugned order is liable to be quashed on this ground alone.

5. Consequently, the OA is allowed. The order dated 30.04.2002 (Annexure A-1) is hereby quashed. This order, however, will not prevent the respondents from passing appropriate order after following the principles of natural justice.

Concurred
(G. C. SRIVASTAVA)
MEMBER (A)

Opposed
(G. L. GUPTA)
(VICE CHAIRMAN)

Part II and III destroyed
in my presence on 30.5.02
under the supervision of
Section Officer (1) as per
order dated 2/2/02
U.G.A.L.
Section Officer (Recd)

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