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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
CIRCUIT BENCH : LUCKNOW

Registration T.A.No. 1710 of 1087(T)
(W.P. No. 825 of 1985)

Mohd. Saghir & Others Applicants
Versus
Union of India & Others Respondents

Hon^oble Mr. Justice U.C. Srivastava, V.C.
Hon^oble Mr. A.B. Gorthi, Member (A)

(By Hon. Mr. Justice U.C. Srivastava, V.C.)


The applicants who were working in Pay Bill Section and Establishment Section in the D.R.M. Office, Northern Railway, Lucknow in various capacities, action was taken against them under Rule 14(2) of the Railway Servants (Discipline & Appeal) Rules 1968, and they were dismissed from service vide order dated 6.2.85. Against the said order they filed a writ petition in the High Court and the dismissal order was stayed. On 7.2.1985 an order was passed by the Divisional Railway Manager for break in service of the applicants on the ground of absence from their seat and taking part in demonstration. The applicants also filed departmental appeal against the dismissal order which was allowed and they ^{were} ~~have~~ re-instated back in service.

2. Regarding the break in service the applicants raised a grievance and approached the High Court challenging the same which has been transferred to this Tribunal. On behalf of the applicants reliance has been raised on the decision of Supreme Court in Writ Petition (Civil) No. 13705-06 of 1984 Shoo Shankar and others Vs. Union of India & Others, where similarly placed other employees who were placed in such a situation, and they approached the Hon^oble Supreme Court, their applications were

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allowed on the ground that no opportunity of hearing was given to them before passing such order and the same violates the principles of natural justice. The same position arises here, and accordingly the impugned order dated 7.2.1985 in respect of the applicants is quashed. However, it will be open for the respondents to pass any order in this behalf, but after giving an opportunity of hearing to the applicants. No order as to costs.


Member (A)


Vice-Chairman.

8th November, 1991, Lucknow

(sph)