

**CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO:535/2001
DATED THE 20TH FEB, 2002**

**CORAM: HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN
HON'BLE SMT. SHANTA SHASTRY, MEMBER(A)**

Niranjan Raju Palo,
working as Skilled Boiler Maker,
Ticket No.57613, Centre No.39/BEF,
Naval Dockyard, Mumbai
Residing at N.C.H Colony,
Bldg.No.R-13, Kanjurmarg,
Mumbai - 400 078.

... Applicant

By Advocate Shri D.V.Gangal

V/s.

1. Union of India,
Through The Flag Officer,
Commanding in Chief,
Western Naval Command,
Shahid Bhagat Singh Road,
Mumbai - 400 001.

2. Admiral Superintendent,
Naval Dockyard,
Mumbai

... Respondents

By Advocate Shri V.S.Masurkar

(ORAL)(ORDER)

Per Shri Ashok Agarwal, Chairman

The applicant was appointed with the respondents as Casual Labourer with effect from 24/6/1981. His services were regularised as such with effect from 1/7/1985. He was promoted as Boiler Mechanic in Semi Skilled grade with effect from 31/12/92. He was further promoted as Skilled Tradesman on 31/7/1997. Applicant has passed his High Skilled II Examination. Respondents have thereafter issued the impugned order of 24/5/2001 whereby his promotion to the post of Semi skilled grade has been postponed from 31/12/92 to 30/12/95 and Skilled Tradesman from 31/7/97 to 30/12/2000.

...2.

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He has been directed to be placed below one Shri C.B.Sonawane in the seniority list. The aforesaid impugned order of 24/5/2001 has been issued without putting the applicant to notice and without offering him an opportunity of being heard. That he was not put to notice and was not given a hearing is not disputed by the respondents. In the circumstances, we find that the aforesaid order which has been passed in breach of the Principles of Natural Justice is required to be quashed and set aside. We order accordingly. Present OA is allowed in the aforesaid terms with liberty to respondents to put the applicant to notice, offer him a reasonable opportunity of being heard and thereafter pass suitable orders in accordance with law. No order as to costs.

2. Shri V.S.Masurkar states that after issue of notice and opportunity of hearing, suitable orders will be passed within a period of four months from the date of service of copy of this order. It is made clear that all contentions raised in the present OA are kept open.

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(SMT. SHANTA SHASTRY)
MEMBER(A)

Ashok Agarwal
(ASHOK AGARWAL)
CHAIRMAN

abp

Order/Judgement despatched
to Applicant/Respondent(s)
on 5.3.2002
14/3