

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH: BANGALORE

DATED THIS THE 6TH DAY OF NOVEMBER, 1986.

PRESENT:

Hon'ble Mr. Justice K.S. Puttaswamy .. Vice-Chairman.

And

Hon'ble Mr. L.H.A. Rego. .. Member(A)

APPLICATION NUMBER 321 OF 1986.

R. Shanmugham, Major,  
Telephone Lineman, Phones, Mysore,  
residing at Door No. 71, Jaya Vilas,  
Udaya Giri, Mysore-10, now undergoing  
training at C.T.T.C., Ulsoor, Bangalore-8. .. Applicant.  
(By Sri P.V. Shetty, Advocate)

vs.

1. Assistant Engineer In-Charge,  
Circle Telecommunication Training  
Centre, Bangalore-8.
2. Divisional Engineer, Phones,  
Mysore-1.
3. General Manager, Telecommunication,  
Maruthi complex, Bangalore. .. Respondents.  
(By Sri M. Vasudev Rao, Standing Counsel).

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This application coming on for hearing this day, Vice-Chairman made the following:

ORDER

In this transferred application received from the High Court of Karnataka under Section 29 of the Administrative Tribunals Act of 1985 the applicant has challenged Order No. E-20/CJ-5/66 dated 21-10-1980 of the Assistant Engineer I/C, Circle Telecom Training Centre, Bangalore (AE)(Annexure-A).

2. The applicant joined service as a lineman in the postal department of Government of India. On an examination of his service and all other relevant factors, the Divisional Engineer.

neer (Telephones), Mysore (DE) by his order No.E.16/1/42 dated 11-2-1980 (Annexure-B) selected the applicant to the post of 'Cable Splicer' and deputed him to the Training Centre, Bangalore for training. While the applicant was undergoing that training the DE by his telegram dated 15-10-1980 addressed to the DE on 21-10-1980 directed the applicant should be relieved from his training centre and reposted to his original post. Hence, this application.

3. Among other grounds, the applicant has urged that the order made by the DE and communicated by the DE without issuing him a show cause notice and affording him an opportunity to state his case was violative of the principles of natural justice, which fact is not denied by the respondents in their statement of objections.

4. Sri.S.Prakash Shetty, learned counsel for the applicant contends that the order made by the DE without issuing his client a show cause notice and an opportunity to state his case was violative of the principles of natural justice and illegal. In support of his contention Sri Shetty strongly relies on the ruling of the Supreme Court in STATE OF ORISSA v. Mrs.BINAPANI (AIR 1967 Supreme Court 150).

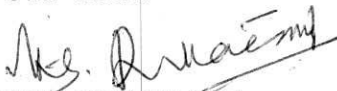
5. Sri M.Vasudevarao, learned Central Government Standing Counsel appearing for the respondents sought to support the order of the DE.

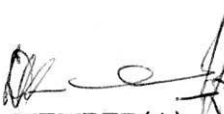
6. Whatever may be the justification for the later order made by the DE on which we do not propose to express any opinion, it is clear that the DE had made his order against the applicant without issuing him a show cause notice and  
affording

affording him an opportunity to state his case. Without any doubt, the later order made by the DE results in serious civil consequences to the applicant. As pointed out by the Supreme Court in Binapani's case an order which results in serious civil consequences cannot be made by an authority without conforming to the principles of natural justice which had not been done in the present case.

7. On the application of the principles enunciated by the Supreme Court in Binapani's case the order made by the DE is, therefore, liable to be quashed. We, therefore, quash the order made by the DE which is communicated by the AE on 21-10-1980 (Annexure-A). But, this order does not prevent the DE or the competent authority from re-doing the matter in accordance with law.

8. In the circumstances of the case, we direct the parties to bear their own costs.

  
VICE-CHAIRMAN

  
MEMBER(A).

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