

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A. NO: 1011/92
T.A. NO: X

199

DATE OF DECISION 13.11.1992

Shri A.S.Baxi & Anr. Petitioner

Shri G.S.Walia Advocate for the Petitioners

Versus

Union of India & Ors. Respondent

Shri P.M.A.Nair Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. Justice S.K.Dhaon, Vice Chairman

The Hon'ble Ms. Usha Savara, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

Stay
(S.K.Dhaon)
Vice Chairman

mbm*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH, BOMBAY

OA.NO. 1011/92

Shri A.S.Baxi & Anr.

... Applicant

V/S.

Union of India & Ors.

... Respondents

CORAM: Hon'ble Vice Chairman Shri Justice S.K.Dhaon
Hon'ble Member (A) Ms. Usha Savara

Appearance

Shri G.S.Walia
Advocate
for the Applicants

Shri P.M.A.Nair
Advocate
for the Respondents

ORAL JUDGEMENT

Dated: 13.11.1992

(PER: S.K.Dhaon, Vice Chairman)

By Office Memorandum dated 24.3.1992 the applicants were empanelled. On 28.9.1992 a Memorandum was issued stating therein that the panel notified by the Memorandum dated 24.3.1992 is being cancelled with immediate effect. It is also stated therein that the cancellation is taking place with the approval of the Competent Authority. The legality of the Memorandum dated 28.9.1992 is being impugned in the present application.

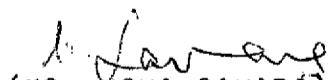
2. A reply has been filed on behalf of the respondents. Counsel for the parties have been heard. We are disposing of this application finally with their consent even though it has not been formally admitted as yet.

3. The allegation made in the application is that the impugned memorandum was issued without affording any opportunity of hearing to the applicant is not denied. However, it is stated that the respondents were contemplating to issue an order of reversion to the applicant and before they could do so, the applicant came to this Tribunal by means of this Original Application and got the interim order.

4. Learned counsel for the respondents has stated at the Bar that the respondents shall not pass an order of reversion as against the applicants before issuing a show cause notice and thereafter giving them opportunity of hearing on a representation. The respondents shall issue a show cause notice to the applicants, if they decide to do so, giving therein the reasons as to why the memorandum dated 28.9.1992 was issued canceling the empanelment of the applicants. The applicants will have full opportunity to put forward their version before the authority concerned. Thereafter, the authority concerned shall pass a speaking order.

5. On the respondents' own admission that, in pursuance of the panel already notified, the applicants were given appointments, it is apparent that the impugned Memorandum dated 28.9.1992 could not be issued without hearing the applicants. However, since the respondents have now given an undertaking to give complete and effective hearing to the applicants, we do not consider it necessary to quash the impugned Memorandum. We make it clear that the respondents shall not give effect to the impugned memorandum as against the applicants. The interim order dated 30.9.1992 stands vacated.

6. With these directions this application is disposed of finally but without any order as to costs.


(MS. USHA SAVARA) 1.92
MEMBER (A)


(S.K. DHAON)
VICE CHAIRMAN