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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

Date of Order: 23.11.2000

OA 141/2000

Babu Lal Meena son of Shri Gppi Ram Meena by caste Meena aged about 55 years resident of PL-10, Jaikishan Colony, Roopa Rampura, Jaipur- 15, presently working as Chief Secton Supervisor, Jaipur.

.... Applicant.

Versus

1. Union of India through its Secretary to the Govt. of India, Department of Telecom, Sanchar Bhawan, New Delhi.

2. Chief General Manager, Rajasthan Circle, Jaipur.

3. The Principal General Manager, Telecom District, Jaipur.

4. Sub- Divisional Engineer (ADM)J Central Telephone, Building, Jaipur.

.... Respondents.

Mr. P.N. Jati, Counsel for the applicant.
Mr. N.C. Goyal, Counsel for the respondents.

CORAM:

Hon'ble Mr. S.K. Agarwal, Member (Judicial)
Hon'ble Mr. Gopal Singh, Member (Administrative).

ORDER

(PER HON'BLE MR. S.K. AGARWAL, MEMBER (JUDICIAL)

The applicant in this OA has challenged the order dated 11.02.2000 by which the promotion given to the applicant on the post of Sr. Section Supervisor Grade IV was withdrawn vide impugned order dated 11.2.2000.

2. On the perusal of the averments made by the parties, it appears that in pursuance of the order by Ahmedabad Bench in OA no. 623/96 dated

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11.4.97, the impugned order might have been passed after giving necessary directions by the Department to this effect.

3. Admittedly no opportunity of hearing was given in this matter before passing the impugned order dated 11.2.2000. It is settled principle of law that before issuing any order which entains civil consequence, principle of natural justice should have been applied. In Laxmi Chand vs. Union of India 1998 (4) SLR 599, it was held that if the order involves civil consequence and it has been issued without effecting opportunity of hearing to the applicant, such an order cannot be passed without applying with the principles of Audi Alteram Partem i.e. parties should be given an opportunity to meet his case before an adverse decision is taken. The learned counsel for the respondents has refered the decision given in OA 131/2000 dated 31.10.2000, Ram Raksh Pal Singh vs. Union of India & Others, stating that if at all this Tribunal comes to the conclusion that principles of natural justice have not been followed before issuance of the impugned order, the Department should be given a liberty to pass appropriate order after giving opportunity of show cause to the applicant.

4. We have heard the learned counsel for the parties and also gave anxious consideration to the rival contentions of both the parties and perused the whole record.

5. In our considered view the impugned order was issued without following the principles of Audi Alteram Partem. Therefore, the same is liable to be quashed on this ground alone.

6. We, therefore, allow this OA and quash and set aside the impugned order dated 11.2.2000. However respondents are given liberty to pass an appropriate order after following the princi-

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ples of natural justice and due process of law. No order as to costs.

(GOPAL SINGH)
MEMBER (A)

(S.K. AGARWAL)
MEMBER (J)