

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR
O.A.No.341/2000

Date of order: 27.4.2001

Jumman Khan, S/o Rahim Bux, R/o House No.3416, Kali Mal
ka Muhalla, Nasira Bad, working as Chief Telephone
Operator, Ajmer Divn, DRM Office, Ajmer.

...Applicant.

Vs.

1. Union of India through General Manager, W.Rly,
Churchgate, Mumbai.
2. Divisional Railway Manager, Ajmer Division, W. Railway,
Ajmer.

...Respondents.

Mr.S.K.Jain - Counsel for applicant

Mr.U.D,Sharma- Counsel for respondents.

CORAM:

Hon'ble Mr.S.K.Agarwal, Judicial Member

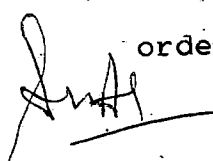
Hon'ble Mr.A.P.Nagrath, Administrative Member.

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

In this O.A under Sec.19 of the Administrative
Tribunals Act, 1985, the applicant makes a prayer to quash the
order dated 28.7.2000 by which promotion and posting of the
applicant on the post of Chief Telephone Operator, Ajmer was
cancelled.

2. In brief the case of the applicant was that he was
promoted on the post of Chief Telephone Operator in pursuance
of his promotion order he acted upon. Thereafter, without
affording any opportunity of hearing and ^{without any} reasonable and
probable cause, the promotion/posting order of the applicant
was cancelled by the respondents vide the impugned order dated
28.7.2000. Therefore, the applicant filed the O.A for the
relief as above.

3. By way of interim relief, the operation of the impugned
order dated 28.7.2000 was stayed on 7.8.2000. On 14.8.2000,



the order passed on 8.8.2000 was also stayed and these stay orders continue till date.

4. The respondents were issued notice but inspite of the repeated opportunities, no reply has been filed by the respondents, therefore, arguments of the counsel for the parties were heard.

5. It is an undisputed fact that the applicant was promoted vide order dated 9.6.2000 on the post of Chief Telephone Operator scale 5500-9000. It also appears that in pursuance of this order, the applicant takeover the post of Chief Telephone Operator in the scale Rs.5500-9000 on 10.6.2000 but vide the impugned order dated 28.7.2000 the order dated 9.6.2000 was cancelled. On a perusal of order dated 8.8.2000, it appear that the applicant was posted as Chief Telephone Operator at Abu Road on promotion.

6. No opportunity/show cause appears to have been given to the applicant before cancellation of the promotion order vide impugned order dated 28.7.2000. It also appears that the applicant has acted upon in pursuance of the order dated 9.6.2000 on 10.6.2000 thereafter the department wanted to cancel the same on any reason whatsoever, the opportunity of hearing/show cause must have been provided to the applicant but the same was not given, therefore, we are of the opinion that the impugned order dated 28.7.2000 is arbitrary, illegal and in violation of the principles of natural justice therefore, the same is liable to be quashed. As we have declared the order dated 28.7.2000 as illegal, therefore, any order issued in pursuance of the order which has been declared as illegal, we also feel it proper to quash and set aside the order dated 8.8.2000.


7. In view of above, we allow the O.A and quash the impugned order dated 28.7.2000 and also the order date

8.8.2000 which was issued later on by the respondents' department.

8. No order as to costs.

(A.P.Nagrath)

Member (A).


(S.K. Agarwal)

Member (J).