

**Central Administrative Tribunal, Allahabad Bench,  
Allahabad**

**Original Application No. 330/00543/2018**

**This the 23rd day of May, 2018**

**Hon'ble Mr. Sanjeev Kaushik, Member (J)**

**Hon'ble Mr. R. Ramanujam, Member (A)**

1. A.K. Pandey son of late Shiv Prasad Pandey resident of 35/4/A/1, Stanly Road, District- Allahabad.
2. R.N. Yadav son of late Sri Ram Kishan Yadav, resident of SH 3/16, A-2, R-5, Navanpur Basahi, District- Varanasi.
3. R.P.Singh son of late Arjun Singh, resident of village Adalhat, Ahraura, Chunar, District- Mirzapur.
4. Ashok Kumar son of late Shyam Narayan Lal resident of 97/83, New Mamfordganj, District- Allahabad.
5. Siya Ram son of Sri Raja Ram resident of Flat No. 104, Kalptaru Apartment, New Colony DLW Kakarmatta, District- Varanasi.
6. Basant Singh son of Ram Lala Singh resident of 194, Tularam Bagh, District- Allahabad.
7. Akshaybar Mishra, son of Sri Ram Shiormani Mishra, resident of village Mamunipur, District- Allahabad.
8. Alok Kumar Sonwani son of late Gulab Chand resident of 44/63, Chakia, Rajrooppur, District- Allahabad.
9. Sadhu Prasad son of not known. c/o HNo 194, Tula Ram Bagh, Allahabad.
10. Umesh Chandra Tripathi son of late Krishna Kumar Tripathi resident of 62, Baba Ji Ka Bagh, Colonelganj, District- Allahabad.

Applicants

By Advocate: Sri Pankaj Srivastava

Versus

1. Union of India through Chairman cum Managing Director, Bharat Sanchar Nigam Limited, (BSNL) BSNL Corporate Office, 4<sup>th</sup> Floor, Janpath, New Delhi
2. The Director (HRD) Bharat Sanchar Nigam Limited, (BSNL) BSNL Corporate Office, 4<sup>th</sup> Floor, Janpath, New Delhi

3. The Chief Engineer (Civil) Bharat Sanchar Nigam Limited (BSNL), Lucknow.

Respondents

By Advocate: Sri S.K. Mishra

### **ORDER**

**By Hon'ble Mr. Sanjeev Kaushik, Member (J)**

Present O.A. has been filed challenging the correctness of order dated 17<sup>th</sup> May 2018 whereby the respondents have withdrawn the benefit of ACP granted to the applicants vide communication dated 9.9.2015.

2. Heard Sri Pankaj Srivastava learned counsel for applicant and Sri S.K. Mishra learned counsel for respondents.

3. Learned counsel for applicants submitted that by the impugned order dated 17<sup>th</sup> May, 2018, respondents have withdrawn the benefit of ACP already granted vide communication dated 9.9.2015 in an arbitrary manner and without providing any notice to the applicants. Therefore, the same is in violation of principles of natural justice.

4. Sri Srivastava also submitted that vide communication dated 9.9.2015 passed by the competent authority by which as many as 10 persons have not only been granted ACP but also they have been granted 2<sup>nd</sup> IDA and 3<sup>rd</sup> IDA upgradation. He argues that while making representation for release of actual benefit, the respondents instead of granting them actual benefit has

withdrawn the benefit by passing the impugned order. He has also pointed out that above benefit was granted to the applicants in pursuance of the decision rendered by this Tribunal throughout the country. In other places, the similarly placed employees are allowed to continue the similar benefits but only in the Allahabad circle, the impugned order has been passed. He submitted that applicants have already submitted a representation in this regard asking the respondents why they have withdrawn the benefit of ACP from the applicants without any notice.

5. Issue notice to the respondents. Sri S.K. Mishra has received the notice in advance and appeared.

6. We have given our thoughtful consideration to the entire matter and in the light of above noted facts, we are in agreement with the submissions made by the learned counsel for applicants that impugned order has been passed without complying the principles of natural justice. Perusal of impugned order does not show any reason why the respondents have withdrawn the earlier order. Therefore, the impugned order is in violation of principles of natural justice and the same cannot be allowed to sustain. It is settled law any order having civil consequences, has to pass after applying principle of natural justice. It is quietly impact that it must contain reasons also. Order without reasons cannot stand in the

eyes of law. "The giving of reasons is are of the fundamental of good administrative" as held by **Lord Denning M.R. in Breen Vs. Amalgamated Eng. Union 1971 (1) ALLER 1148**. The same view has been expressed by Lordship in case of **Raj Kumar Jha Vs.State of Bihar and others, 2003 (11) SCC 519**. Accordingly, the order dated 17.5.2018 is quashed and set aside, the matter is remitted back to the respondents to pass a fresh order after providing opportunity to the applicants.

7. With the above observations, O.A. is disposed of .  
No order as to costs.

**(R. RAMANUJAM)**  
**MEMBER (A)**

**(SANJEEV KAUSHIK)**  
**MEMBER (J)**

**HLS/-**

