

(2017) 12 GAU CK 0040
In the Gauhati High Court
Case No : 5857 of 2017

THE UNION OF INDIA & 3 ORS.

APPELLANT

Vs

PANKAJ KUMAR

RESPONDENT

Date of Decision : 11-12-2017

Acts Referred:

[3998](#) Constitution of India, [3998-226](#) Article 226 -
Power of High Courts to Issue certain writs

Citation : (2017) 12 GAU CK 0040

Hon'ble Judges : Ajit Singh, Manojit Bhuyan

Bench : DIVISION BENCH

Advocate : SC Keyal, A Ahmed

Judgement

1. This petition under Article 226 of the Constitution is directed against the order dated 7.6.2017 passed by the Central Administrative Tribunal, Guwahati Bench, whereby it has passed certain directions against the petitioners in O.A. No.040/00152/2017.

2. It is submitted by the petitioners that the case of respondent was taken up, heard and decided on the first day of hearing itself without giving any opportunity of hearing to the petitioners. According to the petitioners, their counsel was not even given time to seek instructions in the matter.

3. The learned counsel for the respondent did not dispute this fact that the case decided on the first day of hearing itself without giving any opportunity to the learned counsel for petitioners to seek instructions in the matter.

4. On perusal of the impugned order, we also find that no opportunity of hearing was given to the petitioners by the Tribunal. On the pretext of advancing speedy justice, the Tribunal cannot deny an opportunity of hearing to the petitioners. The impugned order of the Tribunal is apparently violative of the principles of natural justice. It, therefore, cannot be sustained and is accordingly quashed. The matter is remanded to the Tribunal for afresh decision on merits after giving

reasonable opportunity of hearing to the petitioners.

5. The petition is allowed.