

**BEFORE**  
**HON'BLE THE CHIEF JUSTICE MR. AJIT SINGH**  
**HON'BLE MR. JUSTICE MANOJIT BHUYAN**

*06.12.2017*

*(Ajit Singh, C.J.)*

Mr.SC Keyal, learned Assistant Solicitor General of India for the petitioners.

Mr.A Ahmed, learned counsel for the respondents.

This petition under Article 226/227 of the Constitution is directed against the order dated 31.8.2016 passed by the Central Administrative Tribunal, Guwahati Bench, whereby it has passed certain directions against the petitioners in OA No.040/00331/2016.

It is submitted by the petitioners that the case of respondents was not even shown in the list on 31.8.2016 and yet, on the request of learned counsel for the respondents, the Tribunal called the case and without giving any opportunity of hearing to the petitioners, on the first day itself, not only quashed the speaking order dated 18.2.2016, but also issued certain directions against the petitioners.

The learned counsel for the respondents agreed before us that the Tribunal, on his request, called the case in question, which was unlisted and on his submission passed the impugned order.

On perusal of the impugned order, we also find that no opportunity of hearing was given to the petitioners by the Tribunal. Also the case of respondents was unlisted on the date of passing of the impugned order. Such an

order of the Tribunal cannot be sustained. We, accordingly, set aside the same and remand the matter to the Tribunal for afresh decision on merits. Needless to mention that the Tribunal shall give reasonable opportunity to the petitioners before deciding the matter afresh on merits.

The petition is allowed.

**JUDGE**

**CHIEF JUSTICE**

*skd*