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jdt.

26.04.2023
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W.P.A. 20106 of 2019
(Ram Babu Yadav vs. Union of India & Ors.)

Mr. Deprup Bhattacharya
Ms. Saptamita Pramanick
.... For the Petitioner

Mr. Sanajit Kr. Ghosh
.... For the Respondents

The writ petitioner assails the order passed by the appellate authority communicated to him on 12th September, 2019 primarily on the ground that the petitioner was not given an opportunity of hearing by the authority prior to passing such order.

It *prima facie* appears that the decision taken in the appeal turning down the prayer of the petitioner was communicated to the petitioner by a letter issued on 12th September, 2019 by Senior Commercial Manager for the Principal Chief Commercial Manager and there is nothing on record to suggest that the petitioner was offered an opportunity of hearing before the authority prior to passing such order.

In view of the above and upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that the petitioner ought to be

given an opportunity of hearing before the appellate authority before any order is passed therein.

Accordingly, the order of the appellate authority communicated to the petitioner vide letter dated 12th September, 2019 is set aside.

The appellate authority being the third respondent herein is directed to revisit the issue upon affording reasonable opportunity of hearing to the petitioner and also other stake holders, if any and pass a reasoned and speaking order within one month from the date of communication of this order, in accordance with law.

The decision taken by the authority shall be communicated to the petitioner within a week thereof.

The writ petition is thus disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)