

Central Administrative Tribunal
Principal Bench

O.A. No. 585 of 2001

New Delhi, this the 2nd April, 2003

HON'BLE MR. JUSTICE V.S. AGGARWAL, CHAIRMAN
HON'BLE MR. V.K. MAJOTRA, MEMBER (A)

Shri Ashok Bhatnagar,
24-C, Pocket B,
Mayur Vihar Phase II,
Delhi-110091

...Applicant

(By Advocate: C. Hari Shankar)

Versus

1. Union of India
Through The Secretary,
Ministry of Youth Affairs & Sports,
Shastry Bhawan,
New Delhi-110 001.
2. Sports Authority of India
Through its Director General,
Jawaharlal Nehru Stadium,
Lodhi Road Complex,
New Delhi - 110003,
3. Secretary,
Sports Authority of India,
Jawaharlal Nehru Stadium,
Lodhi Road Complex,
New Delhi - 110 003
4. Shri R.C. Trivedi,
Deputy Director,
Sports Authority of India,
Jawaharlal Nehru Stadium,
Lodhi Road Complex,
New Delhi - 110 003
5. Shri R.K. Chopra,
Deputy Director,
Sports Authority of India,
Jawaharlal Nehru Stadium,
Lodhi Road Complex,
New Delhi - 110 003
6. Shri S.A. Bhaskar,
Deputy Director,
Sports Authority of India,
Netaji Subhash South Centre,
University Complex,
Bangalore,
KARNATAKA

.Respondents.

(By Advocate: Shri Arun Bhardwaj and Shri R.V. Sinha for
official respondents No.1 to 3. Shri
E.X. Joseph, Sr. counsel with Shri
T.M. Ransganathan for R-4 and R-5 present
in person.

ORDER (Oral)

Justice V.S. Aggarwal

By virtue of the present application, the applicant (Ashok Bhatnagar) seeks quashing of the order dated 20.2.2001.

2. Some of the relevant facts are that there was a DPC meeting as a result of which the applicant who was working as Accounts Officer was promoted as Deputy Director (Finance) in the office of Respondent No.2. The order was passed on 18.9.95. The admitted facts ^{furthir} are ~~that~~ that one Shri R.K.Chopra, Respondent 5 had filed O.A. 2258/96 in this Tribunal challenging the promotion of applicant which was dismissed.

3. Subsequently, on the representation of Respondent No.4 (Shri R.C. Trivedi), a review departmental promotion committee meeting had been held and on the recommendation of the said committee, the impugned order was passed and Shri R.C.Trivedi was appointed as Deputy Director (Finance).

4. This matter had come up before this Tribunal for hearing on a number of occasions. This Tribunal on 21.11.2001 had given certain directions for clarification.

5. During the course of submissions, learned counsel for the applicant urged that while the applicant had worked as Deputy Director (Finance) for almost six

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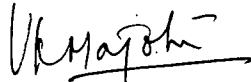
years, suddenly the order had been passed in favour of Respondent No.4 and no show cause notice in this regard was issued. In answer, on behalf of the respondents, it was contended that for constituting a review DPC to correct the mistake, if any, that has been crept in the earlier DPC, no show cause notice was required to be issued to the applicant.

6. We find ourselves able to agree with the learned counsel for the respondents only in part. As a model employer, it is the duty of the employer to act fairly and in that process, if any mistake is committed, that should be rectified. If Shri R.C. Trivedi, Respondent.4 had represented and on his representation a review DPC had been constituted and the official respondents found that there was a mistake in the earlier DPC, we find nothing illegal in constituting a review DPC in this regard. But the matter does not end here. The applicant had functioned as Deputy Director (Finance) for nearly six years as referred to above. After the review DPC, since the civil rights of the applicant had been affected, the principles of natural justice had to be followed which have made serious inroads into our jurisprudence and the respondents should have given a show cause notice to applicant before reverting him. Seemingly that has not been done and the impugned order has been passed.

7. On this short ground, we allow the OA and quash the impugned orders. The official respondents may, if

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so advised, take further steps from the stage referred to above. We are not expressing any opinion on any other controversies because that would be embarrassing to either party.


(V.K. Majotra)
Member(A)



(V.S. Aggarwal)
Chairman

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