

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH  
New Delhi

O.A. No.2490/1999

New Delhi, this 8th day of the December, 2000

HON'BLE SHRI KULDIP SINGH, MEMBER(J)  
HON'BLE SHRI M.P. SINGH, MEMBER(A)

1. Ajay Ram s/o Shri Ghurey Singh  
r/o T/46-B, Rly. Colony, Bareilly.
2. Pulan Ram, s/o Shri Mula Ram  
r/o H.No. Gyai Wali Basti, Lone Par,  
Muradabad.
3. Inderjit Singh s/o Shri Budh Singh,  
r/o L/80/B-I, Line Par,  
Rly. Colony, Muradabad.
4. Ghanshyam Singh,  
r/o Rly. Colony, Muradabad.
5. Shyam Saran,  
r/o Rly. Colony, Muradabad.
6. Prittam Saran,  
r/o Rly. Colony, Muradabad.
7. Dasrath Parshad,  
r/o Rly. Colony, Muradabad.

... Applicant

(By Advocate: Shri Yogesh Sharma)

Versus

Union of India through

1. The General Manager  
Northern Railway, Baroda House,  
New Delhi.
2. The Secretary  
Railway Board, Rail Bhawan,  
New Delhi.
3. The Divisional Railway Manager  
Northern Railway, Muradabad DN.  
Muradabad.

... Respondents

(By Advocate: Shri H.K. Gangwani)

ORDER (oral)

KULDIP SINGH, MEMBER(J):

In this OA the applicants have challenged the  
order dated 12.10.1999 whereby the applicants have been

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reverted from the post of Mail Guards to Passenger Guards. They have challenged the circular dated 15.5.1998 by which the seniority of SC and ST employees have been ordered to be recast in new manner, in compliance of which the respondents have passed the order of reversion of the applicants vide order dated 12.10.1999. Thus the applicants have also challenged the order of reversion which has been passed, consequent to the circular dated 15.5.1998.

2. The respondents have raised the objection that the OA itself is not maintainable since vide another judgement, this Court has upheld the validity of the circular of dated 15.05.1998 and since the circular dated 15.05.1998 has been upheld, the respondents are ~~not to be heard~~ <sup>not to be heard</sup> ~~as the circular dated 15.05.1998 has been upheld~~ <sup>as the circular dated 15.05.1998 has been upheld</sup> ~~and therefore the application dated 12.10.1999 has to be dismissed~~ <sup>and therefore the application dated 12.10.1999 has to be dismissed</sup>

3. We have heard the learned counsel for both the parties and gone through the records. challenged of aforesaid circular.

4. As far as the challenge to the validity of the circular dated 15.05.1998, it is <sup>Conceded by</sup> ~~concluded~~ by Shri Yogesh Sharma, learned counsel for the applicant that <sup>he</sup> ~~the~~ this Court has already upheld the validity of circular dated 15.05.1998, so he cannot implead the same in this OA. <sup>la</sup>

5. However, he submits that the order of reversion passed on 12.10.1999 against the applicants, but till date no order has been issued against the applicants regarding the reversion. So on that score the order of reversion is altogether illegal and arbitrary and same is liable to be quashed.

6. In support of his case, learned counsel for the respondents also referred to the judgement reported in 1999 SLJ Vol. V page 43, where the Govt. of India has issued a reversion order to the petitioner as enormously made a promotion but at the time of reversion no opportunity has been given to the applicant, the same was held to be illegal. In this case also, since no show cause notice has been served to the applicant before reverting them, the learned counsel for the respondents submits that the order of reversion is legal on that ground.

7. Learned counsel for the respondents also submits that they were in the process of issuing the notice before reverting them, but so far they have already approached to the Court, that is why the notices cannot be served upon the applicants.

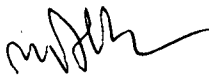
8. Considering this submission on the part of the respondents, we find that the respondents have not served any show cause notice to the applicants before passing the order of reversion. Thus we find that in the absence of show cause notice before passing the


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order of reversion dated 12.10.1999 cannot stand and the same has to be quashed and accordingly, we have to quash the order of reversion. However, the respondents are at liberty to proceed against the applicants, but only after issuing the show cause notice in accordance with the law. OA is accordingly disposed of. No costs.

  
(M.P. SINGH)  
Member(A)

  
(KULDIP SINGH)  
MEMBER(J)

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