

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

Original Application No. 1 of 1998

New Delhi, this the 24th day of February, 1998

Hon'ble Mr. Justice K.M. Agarwal, Chairman  
Hon'ble Mr. N. Sahu, Member (Admnv)

Shri Jagdish Singh Yadav son of  
Shri Puran Mal Yadav, resident  
of WZ-68, Todapur, New  
Delhi-110012

-APPLICANT

(By Advocate Shri P.P. Khurana)

Versus

1. Union of India through the  
Secretary, Department of  
Revenue, Ministry of Finance,  
North Block, New Delhi.

2. Commissioner of Central Excise,  
Delhi -I, C.R. Building,  
I.P. Estate, New Delhi-110002

-RESPONDENTS

(By Advocate Shri R.R. Bharti)

ORDER (O R A L)

By Agarwal, J. -

The applicant was promoted as Superintendent vide Establishment Order No. 275/1997 dated 30.9.1997. Without notice or hearing to the applicant, he was reverted to the post of Inspector with immediate effect by the impugned Establishment Order No. 345/97 dated 19.12.1997. The only ground given by the learned counsel for the respondents is that subsequent to the date of promotion it came to the notice of the respondents that he was facing a criminal trial in a criminal court. On being questioned, the learned counsel for the respondents fairly conceded that even after having the knowledge about pendency of a criminal case, the applicant has not been put under suspension but the only action taken against him is that of reversion to the post of Inspector. It is

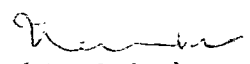
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worthy to note that the promotion order has not been withdrawn but the applicant has been reverted which appears to be in violation of Article 311 of the Constitution.

2. Accordingly, the impugned order deserves to be quashed and is hereby quashed, with the result, the applicant shall be treated to be continuing in the post of Superintendent from the date of his promotion to the date of this order. No costs.



(K.M. Agarwal)  
Chairman



(N. Sahu)  
Member (Admnv)

rkv.