

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

O.A.No.1594/98

New Delhi, this the 21st day of January, 1999

HON'BLE SMT. LAKSHMI SWAMINATHAN, MEMBER(J)
HON'BLE SHRI N. SAHU, MEMBER(A)

Anil Kumar Gupta,
S/o Shri Om Prakash Gupta,
r/o 27-A/AC-IV,
Shalimar Bagh, New Delhi.

....Applicant

(By Advocate: Shri P.P.Khurana)

Versus

1. Union of India thru'
Secretary, D/o Revenue,
Ministry of Finance,
North Block, New Delhi.
2. Commissioner of Central Excise,
(Delhi-1), CR Building
I.P.Estate, New Delhi-2.

....Respondents

(By Advocate: Shri R.R.Bharti)

O R D E R (ORAL)

HON'BLE SMT. LAKSHMI SWAMINATHAN, MEMBER(J)

The applicant is aggrieved by the impugned order No. 166/1998 dated 10.8.98 passed by the respondents cancelling his promotion order as Superintendent and reverting him to the grade of Inspector.

2. We have heard the learned counsel for the parties. Admittedly, the impugned cancellation order dated 10.8.98 was issued by the respondents without affording any opportunity to the applicant to put forward his case. The learned counsel for the applicant submits that the applicant had been promoted on regular basis from 6.1.92 vide order dated 29.6.98. He submits that in the facts and circumstances of the case, the impugned order dated 10.8.98 may be quashed and set aside and the respondents may be directed to allow the applicant to work in the promoted post as Superintendent.

YB:

3. Shri R.R.Bharti, learned counsel for the respondents submits that the order of promotion was a mistake as the respondents failed to notice the fact that the applicant had not been exonerated in all the cases pending against the applicant. when they opened the sealed cover.

4. We have seen the judgement of the Tribunal in Amarjit Singh vs. Union of India and anr. - (O.A.287/98) dated 21.5.98 which is relied upon by the learned counsel for the applicant (copy placed on record). We are in respectful agreement with the reasoning given in that judgement. In the present case, the impugned order of cancellation of promotion passed by the respondents would result in the reversion of the applicant to his, lower post. This order has been passed without due compliance with the principles of natural justice by giving a show-cause notice and a reasonable opportunity to the applicant of being heard. Therefore, admittedly, the impugned cancellation order will have civil consequences adversely affecting the applicant which cannot be passed without complying with the principles of natural justice.

5. In the facts and circumstances of the case. the O.A. is allowed. The impugned order dated 10.8.98 is quashed and set aside with liberty to the respondents to proceed with the matter in accordance with law. No order as to costs.


(N. SAHU)
MEMBER(A)


(SMT. LAKSHMI SWAMINATHAN)
MEMBER(J)

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