

Central Administrative Tribunal
Principal Bench

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O.A. No. 1690 of 1998
C.P. no. 323 of 1998

New Delhi, dated this the 25 AUGUST 1999

Hon'ble Mr. S.R. Adige, Vice Chairman (A)
Hon'ble Mrs. Lakshmi Swaminathan, Member (J)

Mrs. Urmil Garg,
W/o Shri S.K. Garg,
R/o 4/62, West Punjabi Bagh,
New Delhi. ... Applicant

(By Advocate: Shri Anis Suhrawardy)

Versus

1. Union of India through
the General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. Chief Personnel Officer,
Headquarters Office,
Northern Railway,
Baroda House,
New Delhi. ... Respondents

(By Advocate: Shri H.K. Gangwani)

ORDER

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Applicant filed this O.A. On 1.9.98 apprehending that she was going to be reverted from the post of Claims Tracer to the temporary post of Booking Clerk.

2. The O.A. came up for hearing on 2.9.98 on which date notices were ordered to be issued to Respondents. On the prayer for interim relief to restrain respondents from reverting her, short notice was ordered to be issued returnable on 16.9.98 and meanwhile respondents were directed to maintain

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status quo. This interim order was extended from time to time.

3. Respondents filed their short reply to the O.A. on 16.9.98 stating that applicant already stood reverted prior to the filing of the O.A.

4. Meanwhile applicant filed M.A. No. 2082/98 seeking a direction to respondents to implement the directions given on 2.9.98 forthwith. Applicant also filed C.p. No. 323/98 alleging contumacious disobedience of the Tribunal's interim order dated 2.9.98. Subsequently in the light of the C.P. No. 323/98 applicant's counsel sought permission to withdraw M.A. No. 2082/98 which was allowed on 17.12.98.

5. We have heard applicant's counsel Shri Suhrawardy and respondents' counsel Shri Gangwani on C.P. No. 323/98 as well as on this O.A.

6. In so far as the C.P. is concerned, our attention has been invited to the reply filed by Shri Gurdial Singh, Chief Claims Officer. In that reply it has been stated that there was some confusion in the minds of respondents regarding implementation of the order dated 2.9.98, but upon the doubts being removed, applicant was directed to report for duty as Claims Tracer by letter dated 26.5.99 and applicant had already joined duty vide joining report dated

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28.5.99 (copies taken on record). An unqualified apology has also been tendered.

7. In the light of the above no cause for initiating contempt action against respondents survives, C.P. No. 323/98 is dismissed and notices to alleged contemnors are discharged.

8. In so far as the O.A. is concerned, respondents contend that applicant was reverted, because she had been promoted as Claims Tracer after she had suppressed the fact that she had not been regularised in the feeder post and hence she was not eligible for promotion. These contentions are denied by applicant.

9. Now that applicant has been ^{reinstated} ~~restored~~ as Claims Tracer, this O.A. is disposed of, without going into the merits of the case, by a direction to respondents that in the event they consider it necessary to revert applicant from the post of Claims Tracer, in accordance with rules and instructions they shall do so only after giving her a reasonable

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opportunity of being heard, and after passing a reasoned order thereon under intimation to her.

10. The O.A. is disposed of in terms of Para 9 above. No costs.

Lakshmi Swaminathan

(Mrs. Lakshmi Swaminathan)
Member (J)

S. R. Adige

(S. R. Adige)
Vice Chairman (A)

/GK/