CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

1). O.A.No.1622/98.

New Delhi: this the 1st day of July, 1999.

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

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

(13)

Shri Gulab Singh,
S/o Sh.Bhima Ram,
R/o 2620, Jawahar Colony,
Faridabad.

2) OA No.1922/98

Shri K.C.Paucho ri,
S/o Shri Govind Ram,
R/o 129/28, Jawahar Colony,
Faridabad. .....Applicants.

(By Advocate: Shri D.R.Gupta).

Versus

1. The Director of Printing,
Ministry of Urban Development &
Employment Affairs,
Nirman Bhawan,
New Delhi

2. Manager, Govt. of India, Photolithe Press,
NIT Faridabad. .....Respondents
(None appeared)

ORDER

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

As these two OAs involve common questions of law and fact, they are being disposed of by this common order.

2. In OA No.1922/98 applicant Shri Paucho ri impungs respondents' order dated 1.4.98 reverting him from the post of Section Holder (Bdy) to the post of Binder w.e.f. 1.4.98.

3. Admittedly applicant was promoted as Section Holder(Bdy) on regular basis vide order dated 15.2.96 (Annexure-AII). Respondents however state in their reply that applicant had to be reverted from the post of Section Holder(Bdy) to his erstwhile post of Binder to accommodate one Shri Jairam upon his

(14)

return from deputation. Applicant being the junio most was therefore reverted.

4. Similarly in OA No.1622/98 applicant Shri Gulab Singh impugns respondents' order dated 1.4.98 reverting him from the post of Binder to Asstt. Binder w.e.f. 1.4.98 consequent to Shri Pauchori's reversion to the post of Binder.

5. Here also we find that applicant Shri Kapoor Chand was promoted as Binder on regular basis with effect from order dated 15.2.96 (Annexure- II).

6. Respondents contend that as there was no vacant post of Binder against which applicant Shri Gulab Singh could be retained consequent to Shri Pauchori's reversion, he (Gulab Singh) had also to be reverted to the erstwhile post of Asstt. Binder.

7. The question whether in cases such as this a show cause notice was essential before reversion was examined and answered by a coordinate Division Bench of the Tribunal in OA No.1404/98 Mangal Singh II Vs. UOI & Ors. That Bench held that where the State had no choice and the reversion orders became inevitable because of non-availability of vacancy, the granting of opportunity became an empty formality and served no purpose other than to raise false hopes on the one hand, and delay on the other. In the light of the above, respondents cannot be faulted for failure to issue show cause notice before issuing the impugned orders.

8. During hearing applicant's counsel Shri O.P.Gupta however asserted that Shri Jai Ram proceeded on deputation again barely a month after his return and therefore the vacancies again became available against which the applicants in these two OAs could have

(15)

been adjusted, and the period of 1 month or so during which Shri Jai Ram had returned to the department could have been adjusted in respect of applicants, by asking them to proceed on leave, which would then have given them the benefit of continuity on the higher post.

9. We dispose of these OAs with a direction to respondents that if applicants make self-contained representations to them in this regard, they will examine the same in accordance with rules and instructions on the subject within 2 months of its receipt, and dispose of those representations by a detailed speaking and reasoned order under intimation to applicants.

10. These two OAs are disposed of in terms of para 9 above. No costs.

11. Let a copy of this order be kept on the case file of each OA.

(MRS. LAKSHMI SWAMINATHAN)
MEMBER(J)

(S.R.ADIGE/)
VICE CHAIRMAN(A).

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Attested

Court Officer
Central Administrative Tribunal
Principal Bench, New Delhi
Faridkot House,
Copernicus Marg,
New Delhi 110001