

(11)

Central Administrative Tribunal
Principal Bench: New Delhi

OA No.1344/95

New Delhi this the 25th day of July 1996.

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)
Hon'ble Mr K.Muthukumar, Member (A)

Sh. P.R.Azad
S/o Sh. Bela Ram
3A/83, NIT Faridabad.

Working as Head Clerk
Regional Provident Fund Commission
Haryana
Sector 15-A, Faridabad - 121 007.

...Applicant.

(By advocate: Sh. M.K.Gupta)

Versus

Regional Provident Fund Commissioner, Haryana
Bhavishya Nidhi Bhawan
Sector 15-A
Faridabad - 121 007.

...Respondent

(By Advocate: Sh. K.C.Sharma)

O R D E R (oral)

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)

MA No.253/96. In this MA, the respondent seeks to have the interim order vacated. When the matter was taken up, counsel on either side state that the OA itself can be disposed of. Therefore, we are proceeding to dispose of the OA.

2. The prayer in the OA is for quashing of order dated 20.7.95 (Annexure A-I) by which the applicant was reverted from the post of Head Clerk to that of UDC. The impugned action is assailed on the ground that the action is violative of Article 311 of the Constitution as no notice or opportunity has been given to the applicant before the competent authority passed the order of reversion. Respondents have filed a reply to the OA. The application stands admitted. Now counsel on either side agree that the application can be disposed of quashing the impugned order but leaving liberty to the respondent to take appropriate action in accordance with law after giving the applicant a notice and a reasonable opportunity to be heard.

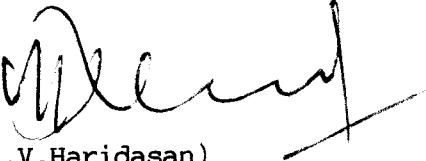
3. In the light of the submission by learned counsel on either side, as agreed to by them, we dispose of this application with following declaration and direction:

- [i] The order dated 20.7.95 (Annexure A-I) by which the applicant has been reverted to the post of UDC from that of Head Clerk without notice is quashed and set aside.
- [ii] This order shall not preclude the respondent from taking appropriate action in accordance with law after giving due notice and an opportunity of being heard.

There is no order as to costs.


(K. Muthukumar)

Member (A)


(A.V. Haridasan)

Vice Chairman (J)

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