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CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

O.A. No. 608 of 1996

New Delhi, dated this the 3rd January, 1997

HON'BLE MR. S.R. ADIGE, MEMBER (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Shri R.K. Taunk,
S/o Shri Kanti Prasad,
R/o L-60, Mahavidya Colony PH-I,
Mathura,
U.P. APPLICANT

(By Advocate: Shri B.B. Chaturvedi)

VERSUS

1. Union of India through
the Secretary,
Ministry of Finance,
North Block, New Delhi.
2. The Chairman,
C.B.D.T.,
North Block,
New Delhi.
3. Member (Pers. & Vig.),
C.B.D.T.,
North Block,
New Delhi.
4. The Chief Commissioner of Income Tax,
Kanpur.
5. The Commissioner of Income Tax,
Sajay Place,
Agra.
6. Asst. Director of Income Tax
(Investigation),
Sanjay Place,
Agra. RESPONDENTS

(By Advocate: Shri V.P.Uppal)

JUDGMENT

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

Applicant has impugned respondents
order dated 30.1.96 reverting him from
Stenographer Gr. II to Stenographer Grade III
and directing recovery of excess salary and
allowances paid to him.

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2. We note that the applicant was not appointed through the Staff Selection but was sponsored by the Employment Exchange and was appointed on ad hoc basis to the post of Stenographer Ordinary Grade in respondents' dept. in 13.8.79. From the materials on record it appears that the respondents confirmed the applicant as Stenographer Gr.III and thereafter promoted him as Stenographer Gr. II by order dated 30.10.95.

3. As per respondents' reply, subsequently they came to learn that the applicant had been confirmed in violation of rules, and as only confirmed Stenographers Gr.III are eligible for promotion as Steno. Gr. II, they have reverted him to the post of Steno. Gr.III by the impugned order dated 30.1.96, and have also issued him a show cause notice as to why the order confirming him as Steno. Gr.III should not be rescinded, to which applicant's reply is still awaited.

4. In the facts and circumstances of this case, any adjudication by us on the merits of this case at this stage would be premature. The applicant should in the first instance reply to the show cause notice, within four weeks from the receipt of a copy of this order and the respondents should dispose of that reply by a detailed, speaking and reasoned order in accordance with law,

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under intimation to the applicant, within three months of the receipt of that reply.

If upon scrutiny of applicant's reply, respondents conclude that his confirmation was in order, it will be open to them to consider reposting of the applicant as Steno.

Gr.II. On the other hand, if the applicant is aggrieved by the order that respondents will pass in the background of what has been stated above, it will be open to the applicant to assail the same through appropriate original proceedings in accordance with law, if so advised.

5. This O.A. is disposed of in terms of paragraph 4 above. No costs.

A Vedavalli

(Dr. A. Vedavalli)
Member (J)

/GK/

S.R. Adige

(S.R. Adige)
Member (A)