

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA-958/2000

New Delhi this the 10th day of October, 2001.

Hon'ble Sh. S.R. Adige, Vice-Chairman(A)
Hon'ble Dr. A. Vedavalli, Member(J)

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Sh. Hakam Chand,
S/o Sh. Tara Chand,
R/o H.No.289, Vill.Tihar,
PO Tilak Nagar,
New Delhi-18.

.... Applicant

(through Sh. A.K. Behera, Advocate)

Versus

1. UOI through
the Secretary,
Ministry of Defence,
South Block,
New Delhi-1.
2. Engineer-in-Chief,
Office of the Engineer-in-Chief,
Army Headquarters,
Defence Headquarters,
New Delhi-11.
3. Chief Engineer,
Western Command,
Chandmandir.
4. Commander Works Engineer(Project),
Delhi Cantt.-10. Respondents

(through Sh. R.P. Rehlan, proxy for Sh. J.B. Mudgil,
Advocate)

ORDER (ORAL)

Hon'ble Sh. S.R. Adige, VC(A)

Applicant impugns respondents notice dated
06.03.2000 (Annexure A-1) informing him that he is being
reverted to Meter Reader (SE) due to wrong promotion as
Meter Reader HS-II by Hq. CE WC Chandimandir.

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2. The aforesaid notice itself makes it clear that applicant has been promoted as Meter Reader HS-II on 27.05.95, and has continued as such till date. Applicant was initially appointed in 1968 and at the time of filing of the OA he appears to be 58 years old, and, therefore, he is to retire upon superannuation within one year or so. 14

3. Respondents states that the aforesaid notice dated 06.03.2000 is in the nature of show cause notice, and applicant should have responded to the same before rushing to the Tribunal with this OA.

4. Although the impugned notice does state that it is a show cause notice, it has been worded in such a manner that applicant apprehended that he was being reverted straight away, and this apprehension cannot be stated to be wholly unfounded.

5. Applicant's counsel Sh. A.K. Behera has also relied upon several rulings of the Hon'ble Supreme Court, which state that promotions granted and continued for a long time should not be lightly disturbed.

6. Even if applicant was promoted by a authority not competent to do so, the impugned notice dated 06.03.2000 itself makes it clear that applicant has functioned on the promoted post for over six years, and in the light of the fact that he will be retiring upon superannuation within a year or so, in the interest of

justice, we dispose of this OA with a direction to respondents not to disturb the applicant on his present post. However, this will not be treated as a precedent and these orders are being passed in the facts and circumstances of the present case.

No costs.

A. Vedavalli

(Dr. A. Vedavalli)
M(J)

S.R. Adige
(S.R. Adige)
VC(A)

Q/vv/