

(121)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

D.A. NO. 70/88

DECIDED ON : 25.05.1993

RAJ KUMAR MISRA & ORS.

PETITIONERS

VS.

UNION OF INDIA & ORS.

RESPONDENTS

CORAM :

THE HON'BLE MR. JUSTICE V. S. MALIMATH, CHAIRMAN
THE HON'BLE MR. B. N. DHOUNDIYAL, MEMBER (A)

Shri H. L. Bajaj for Shri B. S. Maine, Counsel
for the Petitioners.
None for the Respondents

JUDGMENT (ORAL)

Hon'ble Mr. Justice V. S. Malimath, Chairman :

Petitioners 1 to 6 were promoted on different dates between 1.1.1984 and 11.12.1986 from the cadre of Superintendent Grade-II to Superintendent Grade-I. Petitioners 7 and 8, however, were not so promoted. By the impugned order dated 7.8.1987 (Annexure A-1) the dates of promotion of petitioners 1 to 5 were altered to their disadvantage and petitioner No.6 was reverted. There is also a direction in the said order that the excess payment made to the petitioners shall be recovered from them. The grievance of the petitioners in this case is that the impugned order which deprives the petitioners of their valuable rights particularly when calls upon them to pay back the emoluments which they have received, the principles of natural justice were required to be followed as the impugned order entails civil consequences to them. So far as petitioner No.6 is concerned, his complaint is that he has been reverted without

any cause and petitioners 7 and 8 maintain that but for the impugned order in ordinary course they would have been eligible for promotion. Though replies have been filed by the respondents, none appeared before us today.

2. There cannot be any doubt that by the impugned order the rights of the petitioners which they acquired on the strength of earlier orders are being denied to them without assigning any reason and without giving any opportunity of showing cause. They are being deprived of the benefit of promotion and some of them are also being asked to pay back excess wages. In this background, we are inclined to take the view that the impugned order is liable to be quashed on the ground of violation of principles of natural justice. We should, however, leave it to the respondents to pass fresh orders, if they so desire, after complying the principles of natural justice.

3. For the reasons stated above, this petition is partly allowed in that the impugned order dated 7.8.2987 (Annexure A-1) is hereby quashed without prejudice to the right of the respondents to pass such orders, if so advised, after giving the petitioners who are likely to be affected by such orders an opportunity of showing cause in the matter. No costs.

B. M. Dhadial

(B. M. Dhadial)
Member (A)

V. S. Malimath

(V. S. Malimath)
Chairman