

(22)

Central Administrative Tribunal  
Principal Bench, New Delhi.

O.A.No.175/90

New Delhi this the 11th day of December, 1995.

Hon'ble Sh. A.V. Haridasan, Vice-Chairman(J)  
Hon'ble Sh. B.K. Singh, Member(A)

Shri Jai Pal Sharma,  
S/o Sh. Shambhoo Sharma,  
R/o H.R. Sugar Mills,  
Subhash Nagar, Bareilly(UP). Applicant

(through Sh. K.L. Sharma, advocate)

versus

1. Union of India through the  
Secretary to the Govt. of India,  
Ministry of Defence, South Block,  
New Delhi.
2. Engineer-in-Chief, Army Head-  
quarters, Kashmir House,  
New Delhi.
3. The Chief Engineer,  
Central Command,  
Lucknow (UP).
4. Chief Engineer,  
Bareilly Zone,  
Sarvtra Bhawan,  
Station Road,  
Bareilly Cantt.
5. C.W.E., Station Road, Bareilly  
Cantt. Bareilly.
6. Garrison Engineer(Air Force),  
Izathnagar,  
Bareilly(UP).
7. Asstt. Garrison Engineer,  
E/M No.1, Izatnagar,  
Bareilly(UP). Respondents

(through Sh. M.M. Sudan, advocate)

ORDER(ORAL)  
delivered by Hon'ble Sh. A.V. Haridasan, V.C.(J)

In this application, filed under Section 19  
of the Administrative Tribunals Act, 1985, the applicant  
has impugned his reversion from highly skilled Grade-II  
to which cadre he was promoted by order dated 6.10.1986

(23)

(2)

(Annexure A-2) with effect from 15.10.1984 notified by the part-II order dated 11.7.1988. The applicant has stated in the application that before reverting him from the post of highly skilled grade-II to semi-skilled, he was not given a notice/an opportunity to show cause against that action and, therefore, the impugned orders are unsustainable in law as they have been made in violation of the principles of natural justice. He has, therefore, prayed for quashing of the impugned orders and other reliefs incidental thereto. When recovery of Rs.6777/- was sought to be made on the basis of a communication dated 18.1.89, the applicant made a representation on 23.01.1989 to the Garrison Engineer requesting him not to make any such recovery or in the alternative to inform him the grounds on which the recovery is being made and to permit him to approach the Tribunal for appropriate reliefs. Not finding any response from the respondents, the applicant filed this application on 19.01.1990.

The application is resisted by the respondents. They have contended on merits that the reversion of the applicant to semi skilled became necessary as a person who was holding that position was on tenure post in another station having come back, ~~and as~~ There was no place in which the applicant could be accommodated.

Though the respondents have contended that there was no formal order for cancellation of the promotion of the applicant, they have stated that the

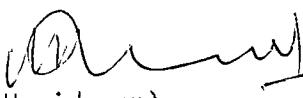
applicant was notified of the situation and was given an opportunity to put forth his contention against the cancellation of his promotion. The cancellation of his promotion made two years ago is undoubtedly an action which <sup>visits</sup> ~~resists~~ the applicant with adverse civil consequences. It is now well settled that before passing any order which ~~resists~~ <sup>has</sup> affecting adverse civil consequences, the person has to be given a notice/an opportunity to show cause. This having not been done in the instant case, We are of the considered view that the impugned orders cannot be sustained.

In the result, the application is allowed in part and the impugned order of cancellation of the promotion of the applicant is set aside. It is made clear that in case the respondents deem it necessary for any reason to cancel the promotion of the applicant, it is yet open to them to do so after giving him a notice/an opportunity to show cause.

There will be no order as to costs.



(B.K. Singh)  
Member(A)



(A.V. Haridasan)  
Vice-Chairman(J)

/vv/