

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

(8)

O.A. 2253/91

Date of decision: 23.4.92

Prem Chand Verma

.. Applicant.

Versus

Union of India & ors. .. Respondents.

Sh.A.K.Verma

.. Counsel for the applicant.

Sh.K.L.Bhatia

.. Counsel for the respondents.

CORAM:

The Hon'ble Sh.Justice Ram Pal Singh, Vice Chairman(J).

The Hon'ble Sh.A.B.Gorthi, Member(A).

J U D G E M E N T (Oral)

(Delivered by Hon'ble Sh.Justice Ram Pal Singh, V.C.(J)).

The applicant vide annexure A-1 dated 22.7.78 was appointed as Work Sarkar under the Work charge establishment in the Central Flood Forecasting Division Central Water Commission, New Delhi. Vide annexure A-2 dt. 23.7.1984 consequent upon the approval by the Departmental Promotion Committee (Workcharged Staff) 20.7.1984, the applicant alongwith others was substantially appointed to the grade of Work Sarkar on work charge establishment in the scale of Rs.260-6-290-EB-6-8-366-EB-8-390-400 etc. against the permanent work charge post of the Work Sarkar for Planning & Development Circle. Vide annexure A-5 dated 25.6.90 the applicant was promoted, after the approval by the Departmental Promotion Committee, to the post of Work Sarkar, grade I, in the scale of Rs.1320-30-1560-EB-4--2040 with usual allowances. Then all of a sudden he received annexure A-7 dated 16th July, 1991, in which the applicant was directed to be reverted to the post of Work Sarkar, Grade II w.e.f.

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17.7.91. Reason given in this document is that D.P.C. procedure in connection with the promotion was not properly followed. This reversion order is ~~said~~ the subject of challenged in this O.A., by the applicant, filed under Section 19 of the Administrative Tribunals Act of 1985.

2. Respondents, on notice, appeared and filed their counter. They contend that the applicant was wrongly promoted to the post, as the D.P.C. which selected the applicant was ab-initio not valid, as its deliberations were against the rules/procedure prescribed for the purpose.

3. We are of the view that annexure A-7 cannot be permitted to stand because reversion of an employee without departmental enquiry or without any show cause notice or without following the principles of natural justice is a punishment and no punishment can be imposed without following the principles of natural justice. Thus if annexure A-7 was to be passed by them they should have issued show cause notice and should have afforded an opportunity of being heard. As annexure A-7 contravenes the principles of natural justice, we quash the same. The applicant shall be deemed to have continued in the post of Work Sarkar Grade-I as if annexure A-7 has not passed. Salary and allowances which are due to the applicant may be paid to him as early as possible, preferably within a period of three months. In the facts and circumstances of the case we direct that ^{the} respondents shall pay a cost of Rs.250/- to the applicant.

Abhijit
(A.B.GORTHI)
MEMBER (A)

Ram Pal Singh
(RAM PAL SINGH)
VICE CHAIRMAN (J)