

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 2843/2004

New Delhi, this the 3rd day of January, 2005

Hon'ble Mr. Shanker Raju, Member (J)
Hon'ble Mr. S.K. Malhotra, Member (A)

Shri Vinod Chandra
Accounts Officer (Roster No.680)
Serving in the office of Zonal Office,
(Pension Disbursement) Delhi Cantt.
R/o 8/38, Type IV, Laxmi Bai Nagar,
New Delhi.

...Applicant.

(By applicant in person)

-Versus-

1. Union of India (Through Secretary)
Ministry of Defence, South Block,
New Delhi.
2. The Financial Advisor Defence Service cum Secretary
(Finance Division)
Ministry of Defence, New Delhi.
3. The Controller General of Defence Accounts.
West Block – V, R.K. Puram,
New Delhi.
4. The Controller of Defence Accounts (PD)
Belvadier Complex,
Meerut Cantt.
5. The Office-in-Charge
Zonal Office (Pension Disbursement)
Delhi Cantt.

...Respondents.

(By Advocate Shri J.B. Mudgil)

O R D E R (ORAL)

Mr. Shanker Raju, Member (J):

It is admitted that applicant was facing a criminal proceeding on 5.2.2001
when he was promoted as an Accounts Officer.

2. A Review D.P.C. met and reverted the applicant as respondents have
illegally promoted him in contravention of DOP&T's O.M. dated 14.9.1992.

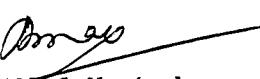
- 2 -

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3. It is trite law that before civil consequences ensues upon Government servant, person concerned should be put to notice and be afforded a reasonable opportunity to show cause, which is in consonance with the principles of natural justice and fair play expected in an executive action.

4. Admittedly, as no show cause notice was served upon the applicant, this has deprived a reasonable opportunity to him. For the foregoing reasons OA is partly allowed. Impugned order dated 23.11.2004 is set aside. However this shall not preclude the respondents from proceeding further in accordance with law.

5. OA stands partly allowed. No costs.


(S.K. Malhotra)

Member (A)

/gkk/


(Shanker Raju)

Member (J)