

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Allahabad this the 07th day of December, 2001.

Q U O R U M :- Hon'ble Mr. Justice R.R.K. Trivedi, V.C.  
Hon'ble Mr. C.S. Chadha, Member- A.

Orginal Application No. 866 of 1996.

Mahabir Thakur, a/a 55 years, S/o Late Keshav Thakur  
R/o E- 18, Sub Station Road, Armapore Estate, Kanpur.  
Employed as Junior Works Manager, E.M. Section, Ordnance  
Factory, Kanpur. ( Under order of reverson to the  
post of Assistant Foreman).

.....Applicant

Counsel for the applicant :- Sri N.K. Nair  
Sri M.K. Upadhyay

V E R S U S

1. Union of India through the Secretary, M/o Defence,  
Department of Defence Production, Govt. of  
India, New Delhi.
2. Chairman, Ordnance Factory Board/ Director  
General of Ordnance Factories, 10- A, Auckland Road,  
Calcutta.
3. General Manager, Ordnance Factory, Kanpur.

.....Respondents

Counsel for the respondents :- Sri Amit Sthalekar

O R D E R (Oral)

(By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.)

By this application under section 19 of the  
Administrative Tribunals Act, 1985, applicant has  
challenged the order dated 20.07.1996 by which he has  
been reverted from the post of Foreman (Tech) to  
Asstt. Foreman (Tech) w.e.f the date he was promoted.

2. It is not disputed that the applicant was  
promoted from the post of Asstt. Foreman (Tech) by  
order dated 31.07.1989, passed by competent authority.

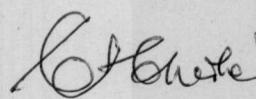


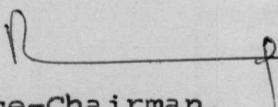
The order of promotion has been filed as annexure A-2 to the O.A. Applicant had served on the promotional post for about seven years. The order of reversion, with retrospective effect, after such long time, without affording any opportunity of hearing to the applicant, cannot be sustained. In any case, the order of reversion cannot be passed with retrospective effect.

3. Learned counsel for the respondents tried to justify the impugned order on the ground that the <sup>note</sup> applicant was transferred from Kanpur to Bolangir and he had agreed to forego his promotion on condition that he may be retained at Kanpur itself. Be that as it may, but the fact remains that the applicant served on the promotional post for seven years and he could not be reverted in the manner, <sup>as you</sup> ~~which~~ has been done by the respondents. The order has been passed in clear violation of principles of natural justice and can not be sustained.

4. For the reasons stated above, this O.A is allowed. The order dated 20.07.1996 (annexure A- 1) promotional is quashed. The applicant shall be reinstated on the / post with all consequential benefits .

5. There will be no order as to costs.

  
Member-A.

  
Vice-Chairman.

/Anand/