

Open Court.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH, ALLAHABAD.
....

Original Application No. 16 of 1997.

this the 27th day of April 2001.

HON'BLE MR. RAFIQ UDDIN, MEMBER (J)
HON'BLE MR. S. BISWAS, MEMBER (A)

Jai Raj Bahadur Saxena

Applicant.

By Advocate : Sri R.C. Pathak.

Versus.

Union of India through the Secretary Ministry of Communication
Sanchar Bhawan, New Delhi.

2. The Chief General Manager Telecom. (Western),

U.P. Circle Telecom, Dehradun.

3. The Telecom District Manager (TDM), C.T.O.B.

Compound, Bareilly Cantt.

4. The Sub-Divisional Engineer (Administration),

Telecom District Manager Office (T.D.M. Office), C.T.O.
Compound, Bareilly Cantt.

5. Malkhan Singh, Sr.T.O.A., T.D.M. Respondents.

Office, CTO compound, Bareilly.

By Advocate : Sri Satish Madhyan.

ORDER (ORAL)

RAFIQ UDDIN, MEMBER (J)

The applicant-Jai Raj Bahadur Saxena has challenged the order dated 20.9.1996 (Annexure-1 to the O.A.). By the said order, ~~which has been passed by~~ the Sub-Divisional Engineer (Administration), Bareilly (respondent no.4) has ordered the reversion of the applicant on the post of T.O.A. in the pay-scale of Rs. 975-1660/- It appears that the applicant was promoted on the post of Sr. T.O.A. in the pay-scale of Rs. 1320-2040 vide order

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dated 24.7.1996 passed by the respondent no.4 after completing the training. The applicant has, however, been reverted on the post of T.O.A. retrospectively w.e.f. 5.8.1996 by the impugned order.

2. We have heard the learned counsel for the parties and have perused the pleadings on record.

3. The learned counsel for the applicant has contended before us that the reversion order of the applicant is illegal because the same has been passed without giving any reasonable opportunity to him to place his view against the reversion. It is also contended that the applicant had gone under training for the promotion post, in question, by the order of the respondent no.4 as per his seniority. Hence, the same cannot be set-aside. The learned counsel for the respondents has, on the other hand, brought to our notice that the some clerical errors and mistakes, the promotion was granted to the applicant over-looking the claim of Malkhan Singh namely the respondent no.5, who was senior to the applicant. The impugned order has been passed when this mistake came to the notice, hence the order cannot be said to be illegal. It is also stated that the applicant has also been promoted vide order dated 2.6.1997, where he has already joined the said post. It may be stated that the applicant has not disputed the fact that Sri Malkhan Singh (respondent no. 5) is senior to the applicant. It is also not disputed that the order dated 24.7.96, promotion of the applicant was passed by mistake. Since, it is an admitted fact that the promotion order of the applicant was passed due to clerical error, it was not necessary to give any show-cause before rectifying the mistake. More-over, it would have a useless formality even-if a show-cause notice would have been issued to the applicant before passing

any order.

4. In view of the above, the O.A. is devoid of merit and the same is dismissed. No order as to costs.

S. B. C. S.
MEMBER (A)

GIRISH/-

R. V. Reddy
MEMBER (J)