

Open Court

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH  
ALLAHABAD.

...

Original Application No. 192 of 1997  
this the 10th day of April 2002.

HON'BLE MR. JUSTICE R.R.K. TRIVEDI, V.C.  
HON'BLE MR. C.S. CHADHA, MEMBER (A)

1. Gopal Bahadur, aged about 41 years, S/o Sri Hast Bahadur, R/o Central School Campus, Forest Research Institute, Dehradun.
2. Gulab Chandra Misra, aged about 35 years, S/o late Sri R.K. Misra, R/o 105/496, Srinagar, Kanpur.

Applicants.

By Advocate : Sri Rakesh Verma.

Versus.

1. Union of India through the Secretary, Ministry of Urban Improvement, New Delhi.
2. The ~~Executive~~ Engineer (Electrical), Lucknow Central Electric Division, Central Public Works Department, Lucknow.

Respondents.

By Advocate : Sri Amit Sthalekar.

ORDER (ORAL)

BY JUSTICE R.R.K. TRIVEDI, V.C.

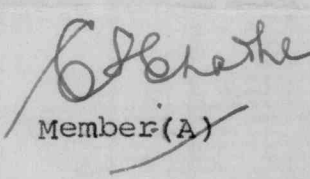
By this application under Section 19 of the A.T. Act 1985, the applicants have challenged the order dated 13.2.1997 by which they have been reverted from the post of Assistant Wireman to the post of Khalasi.

2. The facts, in short, giving rise to this application are <sup>that</sup> both the applicants were serving as Khalasi from 24.8.84 and 9.12.1986 <sup>respectively.</sup> They were considered by the Departmental promotion Committee (DPC in short) and by order dated 18.4.95 (Annexure A-2) both the applicants were promoted as Assistant Wireman. As per the promotion

both the applicants were under probation for a period of six months. The applicants **completed** six months probation period and while they were serving as Asstt. Wireman, they were reverted to the post of Khalasi without giving any opportunity of hearing. The impugned order also does not disclose any reason for their reversion, who were promoted in accordance with the rule and on the basis of the recommendations of the DPC. The learned counsel for the applicant has submitted that the impugned order is liable to be quashed as it has been passed in clear violation of the principles of natural justice and without giving any opportunity of hearing.

3. Sri Amit Sthalekar learned counsel appearing for the respondents has submitted that the claim of the persons senior to the applicants was ignored and order became necessary to satisfy their claim. However, he could not justify the action of the respondents in passing the order without giving an opportunity of hearing to the applicants. Thus, the applicants are entitled for the relief.

4. For the reasons stated above, the O.A. is allowed and the impugned order dated 13.2.97 is quashed. The applicant shall be entitled to continue as Asstt. Wireman. No order as to costs.

  
Member (A)

  
V.C.