

Open Court.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

....

Original Application No. 1188 of 1995

this the 22nd day of May' 2002.

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

K.L. Sharma, S/o G.S. Sharma, Divisional Cashier, North
Eastern Rly., Gorakhpur.

Applicant.

By Advocate : Sri O.D. Gupta.

Versus.

1. Union of India through General Manager, N.E.R.,
Gorakhpur.
2. Financial Advisor & Chief Accounts Officer, N.E.R.,
Gorakhpur.
3. Sr. Divisional Accounts Officer, Varanasi Div. N.E.R.,
Varanasi.

Respondents.

By Advocate : Sri P. Mathur.

ORDER (ORAL)

BY HON'BLE MR. S. DAYAL, MEMBER (A)

This application has been filed for setting aside the order dated 23.3.95 reverting the applicant. A further direction is sought to the respondents that no deduction be effected from the salary and allowances of the applicant and refund the amount, if any, which has been deducted.

2. The case of the applicant is that he was denied promotion to the post of Asstt. Divisional Cashier in the pay-scale of Rs. 1600-2660/- on 13.3.92 on the ground that there was no post available at Gorakhpur. Subsequently, F.A. & C.A.O. on representation of the applicant granted him the promotion to the post of Asstt. Divisional Cashier (Rs.1600-2660/-) back dated effect, which was 13.3.92.


Consequently he was allowed the promotion to the next higher post as Divisional Cashier in the scale of Rs. 2000-3200/- w.e.f. 13.3.93. The respondents by their impugned order dated 23.3.1995 subsequently reversed the proforma promotion given to the applicant as Divisional Cashier and treated his promotion to the post of Asstt. Divisional Cashier w.e.f. 19.4.93 instead of 13.3.92 on the ground that the applicant had refused promotion and, therefore, he was not entitled to any promotion for a period of one year.


3. We have heard Sri O.P. Gupta for the applicant and Sri P. Mathur for the respondents.

4. The learned counsel for the applicant has claimed that the order of reversion was passed without giving any notice to the applicant. The respondents in their Counter reply have not denied the claim of the applicant.

5. Admittedly, the applicant has been subjected to adverse civil consequences without being afforded any opportunity to show-cause as to why he should not be so subjected. We, therefore, set-aside the impugned order dated 23.3.95. The applicant shall be paid back the amount which have been recovered from him in pursuance of the order dated 23.3.95 within a period of three months from the date of communication of this order.

6. The O.A. stands disposed of as above without any order as to costs.


MEMBER (J)


MEMBER (A)

GIRISH/-