

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.1313 OF 2000

ALLAHABAD THIS THE *27th* DAY OF *Sept* 2007

HON'BLE MR. ASHOK S. KARAMADI, MEMBER-J
HON'BLE MR. P. K. CHATTERJI, MEMBER-A

Sri Satyendra Bahadur Srivastava,
Son of Late Sri Indra Dutta Srivastava,
R/o 171-B, Ganj Colony, NR, Varanasi,
Presently working as Senior Section Engineer,
N.R., Varanasi.

.Applicant

By Advocate : Sri M. Yadav and Shri Y.K. Saxena

Versus

1. Union of India
Head Quarter, Northern Railway,
Baroda House, New Delhi through
Its General Manager,
2. Divisional Railway Manager,
Northern Railway, Lucknow.
3. Sr. Divisional Personal Officer,
Northern Railway, Lucknow.
4. Sr. Divisional Mechanical Engineer,
Northern Railway, Lucknow.

.Respondents

By Advocate : Sri P. Mathur

O R D E R

HON'BLE MR. ASHOK S. KARAMADI, MEMBER-J

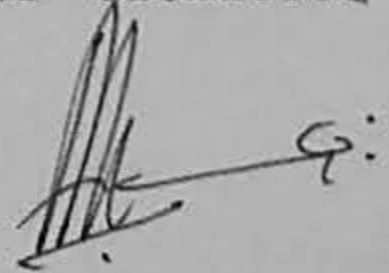
This application is filed seeking quashing of the
order dated 25.10.2000 passed by respondent no.2. By
the said order the applicant was reverted.

2. The case of the applicant is that he was
appointed on 17.01.1977 as Train Examiner not
designated as TA-Grade-II, and continued in service.



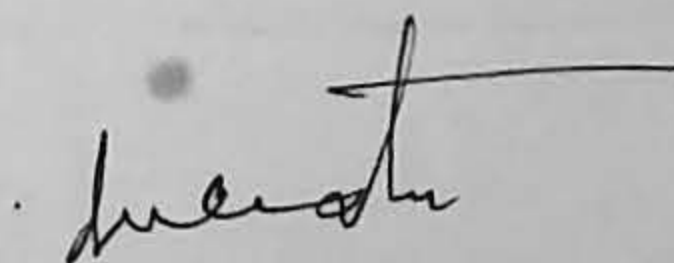
By virtue of his continuance in service he was promoted to the post of Senior Section Engineer. By virtue of his seniority the orders for the same was issued by the respondents on 03.12.1999. While he was working the respondents have issued an order dated 24.10.2000 reverting the applicant from the post of Senior Section Engineer to the post of Section Engineer on the basis of the instructions PS No.11450 and the same is challenged on the ground that the respondents without giving any opportunity to the applicant have passed the order against the Principles of Natural Justice and, therefore, as the same has affected the service resulted in the civil consequences, hence sought for the reliefs for setting aside the impugned order.


3. On notice, the respondents have filed the counter affidavit. Even though detailed counter affidavit is filed with regard to the facts and circumstances considering the case of the applicant and also having regard to the nature of the issues involved with regard to the persons of the said category but in the counter affidavit it is not stated anything with regard to the opportunity given to the applicant before passing the impugned order. However, the respondents are justified their action in passing the impugned order and accordingly, sought for dismissal of this OA.

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4. We have heard the learned counsel for the parties and perused the pleadings and materials on record. The learned counsel for the applicant states that similarly placed persons has approached this Tribunal by filing OA NO.1247/00, this Tribunal by order dated 22.07.2003 setting aside the order giving liberty to the respondents to pass the appropriate orders in accordance with law. Based on that order the learned counsel submits that the impugned order be quashed. On perusal of the order passed, we are of the opinion, that the facts and circumstances are identical in nature, and, therefore, we are of the view, that it is just and proper having regard to the fact that the impugned order was passed without giving any opportunity to the applicant in that view of the matter the applicant has made out a case for grant of the relief claimed, and accordingly, the impugned order is quashed giving liberty to the respondents to pass an appropriate order in accordance with law within a period of three months from the date of receipt of a copy of this order.

5. The OA is accordingly, allowed with the above direction to the respondents. No costs.


Member-A


Member-J

/ns/