

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Allahabad this the 27th day of November 2001.

Hon'ble Mr. Justice RRK Trivedi, Vice-Chairman
Hon'ble Maj Gen KK Srivastava, Administrative Member

Original Application no. 385 of 2000

S.N. Singh, S/o late Ram Murti Singh,
R/o R/o 26/27 A-4 Mirapur Basai PO Cantt.
Varanasi.

... Applicant

By Adv & Sri SK Dey & Sri SK Mishra

Versus

1. Union of Indai through the Secretary, Telecommunication, Govt. of India, New Delhi.
2. The Assistant Director General (TE) Tele communication Services, Sanchar Bhawan, New Delhi.
3. The Dy. General Manager (Admn) UP Circle East Lucknow.
4. The General Manager, Telecom District, Varanasi.

... Respondents

By Adv : Sri RC Joshi

alongwith

Original Application no. 636 of 2000.

1. Roop Chand, S/o Late Mihi Lal,
R/o 128/1/91, 'R' Block, Yashoda Nagar,
Kanpur.
2. D.K. Gautam, S/o late Hiranjan Prasad,
R/o 10/13, Idgah Colony, Kanpur.
3. Smt. Premwati Kamal, W/o Dr VN Kamal,
R/o 1/6 Idgah Benajhabar Kanpur.
4. Smt. Chandra Kala, W/o Sri Ram Sidhar,
R/o 16/6 Shastri Nagar, Kanpur.

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5. Smt. SC Kori, W/o Sri Chhotey Lal Kori,
R/o 109/12 Nehru Nagar, Kanpur.

... Applicants

By Adv : Sri HS Srivastava

Versus

1. Union of India through Secretary,
Ministry of Telecommunication,
Sanchar Bhawan, New Delhi.
2. The Director General,
Telecommunication,
Sanchar Bhawan, New Delhi.
3. The Chief General Manager,
Telecom, UP (East) Circle,
Lucknow.
4. The General Manager,
Telecom District, Kanpur.

... Respondents

By Adv : Sri DS Shukla

O R D E R

Hon'ble Mr. Justice RRK Trivedi, VC.

^{at 2m 4}
~~We have heard~~ both the aforesaid OAs^{at} the question^{at}
of facts and law are similar and they can be dispose of
by a common order, against which learned counsel for the
parties have no objection.

2. We have heard Sri SK Mishra and Sri HS Srivastava
learned counsel for the applicant^{at} and Sri GR Gupta brief
holder of Sri RC Joshi and Sri DS Shukla learned counsel
for the respondents.

3. The applicants of the aforesaid OAs have challenged

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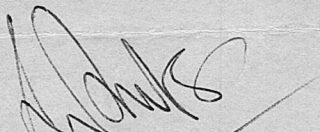
the order dated 30.12.1999 (Ann. A5) by which the applicants have been reverted with pay protection under provision of FR 31 (a). Sri HS Srivastava learned counsel for the applicant has submitted that similar order^{ex} passed^{passed} against others was challenged before Principal Bench of this Tribunal in OA no. 425 of 2000. The OA was allowed by order dated 2.6.2000. The Principal Bench of this Tribunal passed the following direction :-


"In view of the above discussions, we are of the view that the action of the respondents in reverting the applicants by the impugned orders dated 12.2.2000, is not in order. Accordingly, the impugned orders dated 30.12.1999 and dated 12.2.2000 are hereby quashed. The order of the respondents dated 13.12.97 shall continue to be operative."

4. It is also submitted that the respondents filed Writ petition before Hon'ble Delhi High Court which was registered as CWP no. 7302 of 2000 which has been dismissed by Hon'ble High Court on 13.8.2001. The order has become final. It is also submitted that Jaipur Bench of this Tribunal has also taken the similar view and has set aside the order of reversion, copy of judgment of Jaipur Bench dated 30.6.00 passed in OA no. 94/00 has also been placed before us. In our opinion, in the circumstances the applicants are entitled for the same relief.

5. Both the OAs are accordingly allowed. The impugned orders dated 30.12.1999 (Ann. A-5) and dated 27.3.2000 (Ann A6) are quashed. The order of respondent dated 13.2.1997 shall continue to be operative.

6. There shall be no order as to costs.


Member-A


Vice-Chairman