

OPEN COURT (S)

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD.

Allahabad this the 25th day of April 2001.

Original Application no. 765 of 2000.

Hon'ble Mr. Rafiq Uddin Member-J

Hon'ble Mr. S. Biswas, Member-A

Chandra Pal Singh, Senior Clerk, Under Chief Medical Officer, N.E. Rly, Izzatnagar Division.

Bareilly

... Applicant

C/A Sri T.S. Pandey

Versus

1. Union of India through General Manager,
N.E. Rly, Gorakhpur

2. Divisional Rly. Manager, N.E. Rly,
~~Izzatnagar~~ Izett Nagar Division,
NE Rly. Bareilly

3. Chief Medical Officer, NE. Rly Izatnagar Division
Bareilly

4. Vinai Kumar Sharma, (Senior Clerk) through
Chief Medical Officer, N.E. Rly., Izett Nagar
Bareilly

... Respondents

C/Rs Sri A.K. Gaur.

Rv

...2/-

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O R D E R (Oral)

Hon'ble Mr. Rafiq Uddin, Member-J.

The applicant Shri C.P. Singh who is working as Senior Clerk in the office of Chief Medical Officer, Izettnagar, Bareilly has challenged the validity of order dated 26.6.00 annexed as annexure A-1 to this OA and has sought its quashing.

2. Briefly stated the facts of the case are that the applicant's seniority has been determined vide impugned order dated 26.6.00 in his selection grade cadre from the date of his passing the type test. The applicant on the other hand claimed that his seniority should be determined from the date of his promotion as senior clerk ie. 7.10.96.

3. Heard the learned counsel for the parties and perused the record.

4. Learned counsel for the applicant has challenged the impugned order mainly on the ground that the impugned order amounts to his **reversion** and the same has been passed against the principle of natural justice because he was not given opportunity to show cause on this point. Learned counsel for the applicant has **pray** brought to our notice, order dated 30.8.99 passed in OA 305 of 1999 of this Tribunal. The observation made in para 18 of OA 305/99 is relevant and which is as under :-

"In the instant case it appears that order of reversion was issued without any show cause to the applicants and

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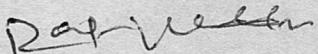
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the basis was to determine the seniority on the basis of type test which is also in accordance with the law/rules. Therefore, the impugned order of reversion as well as determination of seniority on the basis of type test is not in accordance with the law and is liable to be quashed."

5. Learned counsel for the respondents, however, states that the facts of the case are not similar to those of the present case and that since impugned order is not reversion order, hence no opportunity is required to be given to the applicant before passing of such order. We, however, do not agree with the contention of learned counsel for the respondents because the seniority position of the applicant cannot be disturbed without giving an opportunity to show cause and agree with the view expressed in the above order.

6. We accordingly allow this OA and quash order dated 26.6.2000. No order as to cost.


Member-A


Member-J

/pc/