

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Original Application No. 28 of 2002

Allahabad this the 27th day of September, 2002

Hon'ble Maj. Gen. K.K. Srivastava, A.M.

Hon'ble Mrs. Meera Chhibber, J.M.

Gopal Bahadur, aged about 46 years,  
son of Shri Hasta Bahadur, resident  
of A-8, Dhobi Line, I.G.N.F.A., Forest  
Research Institute, Dehradun.

- Petitioner.

(By advocate- Shri R. Verma)

Versus

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

- Respondents.

(By Advocate - Sri P.D. Tripathi)

O R D E R

(By Hon'ble Mrs. Meera Chhibber, Member- J.)

This O.A has been filed against the show-cause notice dated 04.07.2002 whereby the applicant has been asked to explain as to why his promotion order should not be cancelled.

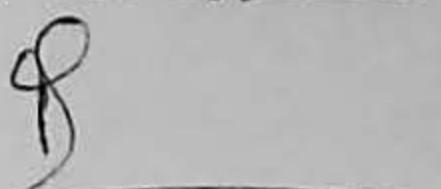
2. It is stated by the learned counsel for the applicant that even though in 1995, the applicant was promoted as Assistant Wireman but thereafter on the order<sup>s</sup> passed by Hon'ble High Court, New Delhi, the post of Assistant Wireman was redesignated as Wireman. Vide order dated 07.05.1997, the applicant was redesignated as Wireman w.e.f 10.05.1995 in pay scale of Rs. 950-1500. Therefore, according to him,



he is no longer Assistant Wireman even though in the show-cause notice he has been shown to be Assistant Wireman. It is also submitted by the learned counsel for the applicant that in the earlier O.A bearing number 192/1997, the Tribunal was pleased to quash the reversion order dated 13.02.1997 stating therein that the applicant shall be entitled to continue as Assistant Wireman and no liberty has been granted to the <sup>respondents</sup> ~~to~~ issue show-cause notice. A perusal of the judgment dated 10.04.2002 shows that the main ground taken by the applicant was that neither any reason has been stated in the reversion order nor any opportunity was given to him before passing such order. Therefore, only on this Technical ground, the reversion order was quashed.

3. By the impugned notice, the respondents have stated that due to administrative mistake, some of the senior Khalasis than the applicant were not considered in April, 1995 when the applicant was promoted, therefore, his promotion is wrong, as those senior Khalasis were also to be considered for promotion. <sup>It is</sup> ~~in~~ in this background that the applicant has been called upon to explain as to why his promotion order should not be cancelled.

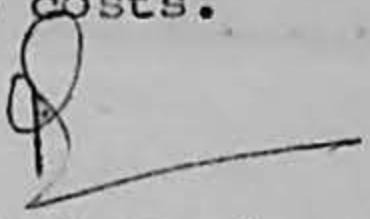
4. The applicant has approached this Tribunal against this show-cause notice dated 04.07.2002 (annexure A-I) without giving any reply to the respondents. The law is well settled that the courts are not <sup>to</sup> interfere at the stage of show-cause notice as it is open to the applicant to take all his grounds and defences before the authorities. Therefore, the present O.A is disposed off as premature, by giving liberty to the applicant to file his reply to the <sup>SCN</sup> ~~SCN~~ <sup>sumed by</sup> respondents within two weeks from today and respondents shall pass a detailed speaking order thereon within three weeks from the date of filing of reply by the applicant.



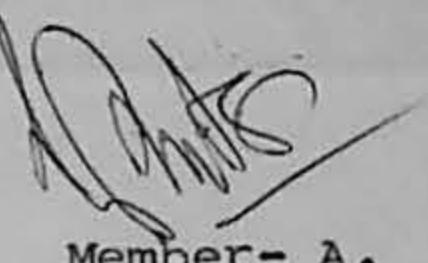
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5. Till such time the show- cause notice is decided, status quo shall be maintained with regard to the applicant.

6. With the above directions, the O.A is disposed off with no order as to costs.



Member- J.



Member- A.

/Anand/