

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 22nd DAY OF MAY, 2002

Original Application No. 606 of 2002

CORAM:

HON.MR.JUSTICE.R.R.K.TRIVEDI,V.C.

HON.MR.C.S.CHADHA, MEMBER(A)

M.L.Sharma, Son of Late J.P.Sharma
R/o 450, Kamala Nehru Nagar,
Ghaziabad, presently posted
as Inspector of Income Tax
Office of Commissioner of
Income Tax, Ghaziabad.

... Applicant

(By Adv: Shri K.C.Sinha)

Versus

1. Union of India through
Chief Commissioner of Income Tax
(CCA), U.P.West Region,
Kanpur.
2. Commissioner of Income-tax,
Income Tax Office,
Ghaziabad.

... Respondents

(By Adv: Shri Ashish Gopal)

O R D E R(Oral)

JUSTICE R.R.K.TRIVEDI,V.C.

By this OA filed under Section 19 of A.T.Act 1985,
the applicant has challenged the order dated 30.4.2002 by
which he has been reverted from the post of Inspector of
Income Tax to the post of Stenographer Grade 1.

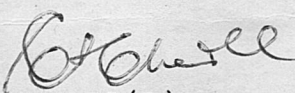
The facts of the case are that the applicant joined
Income Tax department in 1976 as Stenographer. By order
dated 4.7.2001 the applicant was included in the panel of
selected candidates for promotion. His name was shown at
sl.no.42. By order dated 4.7.2001 the applicant was
posted as Inspector Income Tax at Lucknow, where he is




working. Even after review DPC the position of the applicant was not disturbed and he continued in the panel. ^{at sl.no53}
However ^{though} ~~if~~ the applicant has worked on promoted post for about 9 months, the impugned order has been passed reverting the applicant. The order does not disclose any reason for reverting the applicant. It has also been passed without giving any opportunity of hearing. The legal position is well settled that any order which entails serious civil consequences should be passed after giving show cause notice and opportunity of hearing which in the present case has not been done. The impugned order is clearly violative of principle of natural justice and cannot be sustained.

The OA is accordingly allowed. The impugned orders dated 30.4.2002 and 27.4.2002 passed by CCIT(CCA Kanpur) are quashed. The applicant shall be entitled to continue as Inspector of Income Tax. However, it shall be open to the respondents to pass fresh order in accordance with law. There will be no ~~order~~ order as to costs

Copy of this order shall be given within 24 hours.


MEMBER(A)


VICE CHAIRMAN

Dated: 22.5.2002

Uv/