

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



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working. Even after review DPC the position of the  
applicant was not disturbed and he continued in the panel.  
However ~~if~~ <sup>though</sup> 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/