

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

AHMEDABAD BENCH

O.A. No. 520 OF 1988
Exx No.

DATE OF DECISION 1.07.1991.

Mr. Muljibhai D.

Petitioner

Shri G.A. Pandit

Advocate for the Petitioner(s)

Versus

Union of India and Others

Respondent

Shri N.S. Shevde.

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. P.H. Trivedi : Vice Chairman

The Hon'ble Mr. S. Santhana Krishnan : Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?

Mr. Muljibhai D.
Fireman 'C', W.R.
Viramgam,
Dist. Ahmedabad.

...Applicant.

Versus

1. Union of India,
Notice to be served through
The General Manager,
Western Railway,
Churchgate,
Bombay - 400 020.
2. Divisional Railway Manager,
Western Railway,
Pratapnagar,
Baroda.
3. Asstt. Mechanical Engineer,
Western Railway,
Ahmedabad.
4. Asstt. Loco Fireman,
Western Railway,
Viramgam.

...Respondents.

O R A L - O R D E R

Date : 1.7.1991.

Per : Hon'ble Mr. P. H. Trivedi : Vice Chairman

Heard Mr. G. A. Pandit and Mr. N. S. Shevde, learned advocates for the petitioner and the respondents respectively. Neither side has produced the impugned order of reversion and therefore, the ground on which the reversion of the applicant has been caused has not been brought out. The applicant has asked under Section 19 of the Administrative Tribunals Act, 1985, ^{ON} the relief of quashing and setting aside the order of reversion from the post of Fireman-C, to the post of coal boy. The applicant's case is that he was promoted to this post after medical test and certificate on 7.6.1986. He was also given the training for the post of Fireman-B which he claims that he has successfully completed. The applicant's name is shown in the year ¹⁹⁸⁷ 1987,

September, Batch for promotion to the post of Fireman-B, and he was awaiting this promotion, instead he was reverted without any reason being shown.

2. In reply, the respondents have taken the ground that the post of Loco-cleaner requires the applicant to pass ~~VIII~~^{to be} standard and below the age of 30 years. The applicant has not taken any permission for appearing at the SSC Examination nor has the applicant furnished the certificate of his passing the said examination. Without any certificate of this nature the applicant was treated as being deficient in educational qualifications and has been accordingly reverted. The applicant, earlier misled regarding his educational qualifications stating that he was SSC failed.

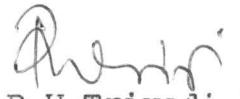
3. During the course of hearing the learned advocate for the applicant has furnished a certificate to the learned advocate for the respondents, that the applicant has pass^e the SSC Examination. Without the order of reversion, it is not possible to ascertain the ground of reversion, which has been caused by the respondents having decided that the applicant was appointed erroneously. There is now a substantial and weighty support of judicial decision, that before the adverse consequences are caused the authorities are^{to be} issued a show cause notice to the applicant and issue such an order only after giving an opportunity to make the representation to the affected government employee in this regard. Such a notice has not been served upon the applicant has seen from the written statement in reply. We have already issued interim orders against reversion.

4. In the light of the above observations and in the facts and circumstances of this case it will be adequate and proper that Rule be made absolute and that applicant be furnished with an opportunity to file a

representation within one month from the date of this order, representation may be supported by such certificates of his passing the examination and on his doing so the respondent authorities may pass appropriate orders within two months thereof. With these observations the case stands disposed of. No order as to costs.



(S. Santhana Krishnan)
Judicial Member



(P.H. Trivedi)
Vice Chairman

AIT