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CAT/J/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH  
XXXXXXEXXXXX

O.A. No. 349/ 1989.

DATE OF DECISION 25.09.1989.

Shri. R.N. Patel & Ors. Petitioner

Mr. N.D. Gohil Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent

Mr. J. D. Ajmera. Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. P. M. Joshi .. Judicial Member.

The Hon'ble Mr. M. M. Singh .. Administrative Member.

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. Whether it needs to be circulated to other Benches of the Tribunal? No

1. R.N.Patel
2. Fateh Bahadur Harmansingh.
3. C.A.Solanki.
4. Thakur Govind.
5. B.N.Poddar.
6. Parmar D.M.
7. Thakur Mansingh.
8. Inderkumar Mohan.

All are C/o.  
 Shri. R.N.Patel  
 C/o AGE E/M  
 Near Hanuman Camp Mandir,  
 Ahmedabad-3.

.. Applicants.

Vefsus.

1. Union of India,  
 Notice to be served through,  
 the Ministry of Defence,  
 New Delhi.
2. Commanding Officer,  
 CWE (P) Baroda.3.  
 Command Works Engineer (P)  
 Near E.M.E.School,  
 Baroda-3.
3. The Garrison Engineer,  
 Cantonment Ahmedabad-3,  
 Near Camp Hanuman Mandir.
4. AGE-E/M, Ahmedabad,  
 Near Camp Hanuman Mandir,  
 Cantonment, Ahmedabad.
5. AGE-B/R,  
 Air Force Station,  
 Vadsar, Tal. Kalol,  
 Dist. Mehsana.

... Respondents.

CORAM :	HON'BLE MR. P. M. JOSHI	.. JUDICIAL MEMBER.
	HON'BLE MR. M. M. SINGH	.. ADMINISTRATIVE MEMBER.

O. A. 349/89

: O R A L   O R D E R :

Dt. 25.09.1989.

Per : Hon'ble Mr. P. M. Joshi .. Judicial Member.

This matter is taken on Board to-day at the request of Mr. Gohil, the learned counsel for the petitioner. Mr. J.S. Yadav for Mr. J.D. Ajmera the learned counsel for the respondent is also present.

2. The petitioners ( 8 in all ), apprehending reversion in their case, have filed this application, under Section 19 of the Administrative Tribunals Act, 1985. They have prayed that the proposed action of the respondents in reverting the petitioners from the post of M.P.A. "Motor Pump Attendant" (scale Rs. 260-400) to the post of Mate (M.P.A.) (scale Rs. 210-290) and the recovering salaries drawn as M.P.A. on the basis of the internal correspondence dt. 20.6.89, 29.7.89 and 10.7.89, is illegal and they may be restrained from effecting such recovery.

3. This matter came up for admission on 30.8.89. We ordered to issue notices to the respondents, pending admission, to show cause why the application should not be admitted and in the meantime they were restrained from recovering the excess payment made to the petitioner, when they were promoted to the post of M.P.A. vide orders dt. 6th July '84 and 18.2.84 i.e. in the year 1984.

4. Again when the matter came up for admission on 20.9.89, as the respondents did not file any reply or objections and having regard to the points raised in the application, we admitted the application and directed the 'interim relief' to continue till further orders.

5. At this stage Mr. Gohil the learned counsel for the petitioners states that the respondents now offer the salary of the lower post i.e. Mate (M.P.A.) (scale Rs. 210-290), which the petitioners have refused. According, to him the petitioners should be protected against such action of reversion, <sup>as such action is done]</sup> without ~~passing the~~ <sup>any opportunity of hearing</sup> ~~orders of reversion.~~ In this submission, the respondents be directed to treat the present application as the representations against the orders of reversion, if any, sought against the petitioners and the competent authority should decide, their claim and in the meantime, they should be directed to continue to pay salary to the petitioners in terms of the orders of promotion passed earlier in the year 1984. In this regard, we have heard Mr. Yadav also, the learned counsel for the respondents. In his submission, there was a typographical mistake in the previous order and the respondents authority are seeking to correct the same by passing proper orders.

6. In the facts, and the circumstances of the case the present application can be disposed of by <sup>a</sup> ~~a~~ short direction in the following terms :

The present application filed by the petitioners, be treated as their representations against the proposed action of the respondents. It is directed that the respondent No.2 (Command Works Engineer) (P), Baroda, <sup>shall</sup> ~~is directed to~~ decide the said representations within a period of 3 months from the date of this order. In the meantime, it is directed that the respondents shall not revert the petitioners to a lower post till the period of 2 weeks after the decision

(9)

taken by the Respondent No. 2, is conveyed to the petitioners.

One set of the copy of the application filed by the petitioners, with ~~enclosure~~ and also a copy of this order be sent to the Respondent No. 2 by the Registry. A postal acknowledgment be retained on the file.

With the aforesaid direction the application, stands disposed of, with no order as to costs.

M. M. Singh

( M. M. Singh )  
Administrative Member.

  
( P. M. Joshi )  
Judicial Member.

R.