

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 194 OF 2001
 Cuttack, this the 08th day of JULY, 2004.

AMARESH BEHERA.

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APPLICANT.

VRS.

UNION OF INDIA & ORS.

....

RESPONDENTS.

FOR INSTRUCTIONS

1. WHETHER it be referred to the reporters or not? No
2. WHETHER IT be circulated to all the Benches of the Central Administrative Tribunal or not? No

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 (B. N. SORI)
 VICE-CHAIRMAN

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 (MANORANJAN MOHANTY)
 MEMBER (JUDICIAL)

08/07/04
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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

O.A. No. 194 OF 2001

Present: The Hon'ble Mr. B. N. SOM, Vice-Chairman
The Hon'ble Mr. M. R. Mohanty, Member (J)

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AMARESH BEHERA. APPLICANT

-Vs.-

UNION OF INDIA & ORS. RESPONDENTS.

For the Applicant: Mr. K. P. Mishra, Counsel.

For the Respondents: Mr. A. K. Bose, Counsel.

Date of decision: 08th July/2004.

O R D E R

MR. MANORANJAN MOHANTY, MEMBER (JUDICIAL):-

Applicant Amares Bhera, an employee of the Ordnance Factory at Badmal in the District of Bolangir (ORISSA), has filed this Original Application under Sec. 19 of the Administrative Tribunals Act, 1985, challenging the order (of his reversion in the gradation list of chargeman II/Tech. and treating his actual promotion w.e.f. 20-12-1991 to be a notional one till issuance of order) under Annexure-6 dated 19.07.2000.

(Signature)

2. It appears from the counter filed by the Respondents; in which circumstances leading to promotion and reversion of the Applicant as Chargeman II/Tech. have been explained; that number one point of the then 40 point roster being marked for S.C. persons, the Applicant was given promotion but later it was decided that single vacancy was not to be given to reserved candidates and, therefore, after placing the matter in a Review DPC, the Respondent No.5(B.B.Tripathy) and Respondent No.6(K.K.Pattanayak) were placed above the Applicant by giving notional promotions.

3. It appears that before affecting the Applicant (in his seniority in chargeman II /Tech) no notice were given to him to have his say in the matter and, thus, the impugned order under Annexure-6 dated 19.07.2000 was passed in gross violation of the principles of natural justice. That apart, it was not a case of single vacancy post. Sequence of events show that chargeman II/Tech. posts were successively available and thus, Applicant's promotion cannot be said to be bad in any manner.

4. Since the impugned order under Annexure-6 dated 19.07.2000 was passed in gross violation of the principles of natural justice, the same is not sustainable and is hereby quashed.

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5. In the result, this Original Application is allowed in the aforesated terms. No costs.

~~(B. N. S. OM)~~
VICE-CHAIRMAN

~~10/10/04~~
(MANORANJAN MOHANTY)
MEMBER (JUDICIAL)