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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH**

ORIGINAL APPLICATION NO. 03/2004

DATE OF DECISION: 15.02.2005

CORAM

HON'BLE MR. J.K. KAUSHIK, JUDICIAL MEMBER.

HON'BLE MR. G.R. PATWARDHAN, ADMN MEMBER.

Abdul Quayyum Sagar S/o Late Shri Alla Rakhjim aged by caste Musalman, aged about 52 years, presently working as Inspector in the pay scale of Rs. 5000-8000 in the Central Bureau of Narcotics Chittorgarh, R/o C/o Wazeer Mohammed, Sinchai Colony, Chittorgarh. Barmer.

...Applicant

(Mr. Manoj Bhandari, Counsel for applicant.)

V E R S U S

1. Union of India, through-its Secretary, Ministry of Finance, sDepartment of Revenue, North Block, New Delhi.
2. The Narcotics Commissioner, Central Bureau of Narcotics, 19, The Mall, Gwalior -6, (M.P.).
3. Dy. Narcotics Commissioner (Administration), 19 (The Mall Morar), Gwalior-6, (M.P.).
4. The Dy. Narcotics Commissioner, Central Bureau of Narcotics, Kota (Rajasthan).

Respondents.

(Mr. S.K. Vyas, Counsel for respondents.)

O R D E R

Mr. J.K. Kaushik, Judicial Member

Shri Abdul Quayyum Sagar has filed this Original Application under Section 19 of the Administrative Tribunal Act praying for quashing the validity of Annexure A/1 i.e. Dated 23.12.03 through which he has been ordered to be reverted from the post of Inspector to the Post of UDC.

2. The brief facts of the case leading to filing of this Original Application as borne out from the pleadings are that the applicant while working on the post of UDC was ordered to be promoted to the post of Inspector in the pay scale of Rs.



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1400-2300 vide communication dated 06.09.1995. This promotion was given to him as per the recommendations of the DPC. Same came to be affirmed through the review DPC held on 26.10.1998 vide Annexure A/4. Subsequently after over a period of 9 years, the impugned order dated 23.12.2003 came to be issued through which he has been reverted. The Original Application has been filed on diverse grounds, the significant of them being the denial of reasonable opportunity inasmuch as no pre-decisional hearing is extended to the applicant and there has been infraction of Article 14 of the Constitution of India.



3. The respondents have contested the case and resisted the claim of the applicant with detailed and exhaustive reply wherein the facts and grounds raised in the Original Application have been refuted. In view of the order, we propose to pass in this case refraining from elaboration the same. An exhaustive rejoinder has also been filed to the reply on behalf of the applicant.

4. We have heard the learned counsel for the contesting parties and have carefully perused the records of this case. The learned counsel for the applicant has drawn our attention towards one of the recent judgement passed in O.A. No. 4/2004 dated 11.01.2005 by a Co-ordinate Bench of this Tribunal at Allahabad in case of Qazi Nazeem Ahmad Vs. UOI and Ors in which similarly situated employees were ordered to be reverted by the same order which is impugned in the

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instant case. His name finds place at Serial No.3 of Para 5 at page No. 22 of the paper book. He has submitted that the controversy involved in the instant case is covered on all fours by such a decision. He has also cited certain other decisions laying down the same principle of law. We have perused the same. The said judgement is based on one of the decision which was passed by the Hon'ble High Court of Delhi in CWP No. 6826 of 1999, wherein their Lordships have clearly held that the directions issued vide letter No. 24.03.1992 were followed by the review DPC held for the year 95-96, though the said directions were kept in abeyance and that by itself could not have been a ground for holding any DPC unless the same resulted in injustice to the parties. The said Original Application was allowed. The learned counsel for the applicant has also submitted that there is an error in the date of the impugned order in the said judgement i.e. it is mentioned as 23.10.2003 whereas the correct date of the reversion order is 23.12.2003.



5. Per contra, the learned counsel for the respondents has strongly opposed the aforesaid contentions and has submitted that it is for this Bench of the Tribunal to consider the ratio of judgements of the case cited on behalf of the applicant. He reiterated the grounds of defense as set out in the reply.

6. We are of the firm opinion that the aforesaid decision squarely covers the controversy on all fours and even independent of the aforesaid authority, if we were to examine

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the matter afresh, we would have reached the same conclusion. A copy of order passed in case of **Qazi Nazeem Ahmad** supra is placed on records of this case. In this view of the matter, we have no reason take any other view; rather we have no hesitation in following the same and deciding this Original Application in the similar lines. In the premises, the Original Application is allowed. The establishment order No. 29/2003 dated 23.12.2003 (Annexure A/1) in so far it relates to the applicant is set aside. The applicant shall be entitled to all consequential benefits. The parties are directed to bear their own costs. The interim order issued on 16.01.2004 is made absolute.




(G.R. Patwardhan)
Admn. Member

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(J.K. Kaushik)
Judicial Member

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Part II and III destroyed
in my presence on 08-1-14
under the supervision of
section officer () as per
order dated 12-1-13

Section officer (Records)