

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O.A. NO.618 of 2000.

Wednesday this the 7th day of June 2000.

CORAM:

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN

HON'BLE MR.G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

B. Sarasamma,
W/o Vidyanandan Kani S,
Chief Section Supervisor,
Office of the Chief General Manager,
Telecom, Thiruvananthapuram.

Applicant

(By Advocate Shri. Sasidharan Chempazhanthiyil)

Vs.

1. Chief General Manager, Telecom,
Kerala Circle, Thiruvananthapuram.

2. Director General,
Telecom Department,
New Delhi.

3. Union of India represented by its
Secretary, Ministry of
Communications, New Delhi.

Respondents

(By Advocate Shri. P. Vijayakumar, ACGSC)

(The application having been heard on 7th June 2000
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN

Pursuant to an order of the Government basing on the judgement of the Ahmedabad Bench of the Central Administrative Tribunal in O.A. 623/96 dated 11.4.97 which has been upheld by the High Court of Gujarat that the reservation roster would not apply for placement from BCR (Gr.III) to ten percent BCR (Gr.IV), the Government had issued an order No. 22-6/94-TE.II dated 8.9.99 (A-5) directing all the Heads of the Departments to conduct a

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review DPC and make reversions wherever necessary, with immediate effect. On the basis of the above order the applicant was served with A9 show cause notice dated 3.5.2000 informing her that, the Telecom Directorate had directed to implement the Court Order and revert the officials promoted through the application of reservation roster as per order No. 22-6/94-TE.II dated 1.3.96 and that it was proposed to revert the applicant from Grade IV with immediate effect and giving the applicant seven days' time to submit representation, if any, against the proposal. Aggrieved by these two orders A5 and A9 the applicant has filed this application praying that the impugned orders may be set aside declaring that the applicant is entitled to continue as Chief Section Supervisor under the 1st respondent. She has also prayed for a declaration that A7 order of the Ahmedabad Bench in O.A. 623/96 is not applicable to the applicant and to keep A-5 order in abeyance till the disposal of this application.

2. The applicant had earlier filed O.A. 1171/99 apprehending the reversion by A-5 order and that O.A. was rejected as premature. Now the present O.A. has been filed by the applicant alleging that the respondents have now passed an order on the basis of A9, that as the applicant was on leave the same has not been served on her and that as the applicant would be without a remedy, if she is reverted, the application may be entertained.

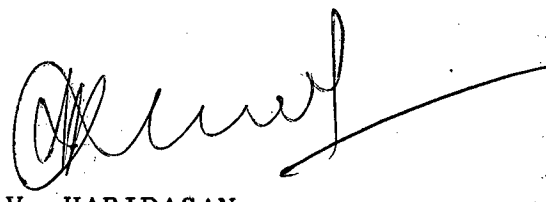
3. The orders under challenge are A5 which is an inter departmental communication and A9 a show cause notice. If the applicant is aggrieved by the order passed considering her representation made against A9 show cause notice, the applicant is at liberty to approach the Tribunal impugning the said order. Without producing such an order, alleging that the respondent is understood to have passed an order

dated 30.5.2000 reverting the applicant retrospectively from 27.6.1990, that the said order could not be served on her, nor could she be relieved pursuant to that order the applicant has prayed for quashing Annexure A5, A9 and all orders passed pursuant to Annexure A9 including the order dated 30.5.2000. We are of the view that such an application cannot be entertained. The applicant is trying to avoid the service of the impugned order, and reversion by filing this application and seeking a interim order of stay.

4. We, therefore, decline to exercise jurisdiction for the abovesaid reason and reject this application under Section 19(3) of the Administrative Tribunals Act 1985.

Dated 7th June 2000.


G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

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List of Annexures referred to in the order:

Annexure A5: True copy of the order No.22-6/94-TE.II dated 8.9.99 issued by the 2nd respondent.

Annexure A7: True copy of the order of the Central Administrative Tribunal Ahmedabad Bench in O.A. No. 623/96 dated 11.4.97.

Annexure A9: True copy of Notice No. STB/43-26/BCR/10%/95 dated 3.5.2000 issued by the 1st respondent.