

(8) A10
(A8)

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

Lucknow this the 24th day of Nov. 1994.

O.A. No. 402 of 1992

HON. MR. JUSTICE B.C. SAKSENA, V.C.

HON. MR. V.K. SETH, MEMBER (A)

Sunil Kumar Misra, son of Sri Shivji Misra,
aged about 33 years, A-27, Ikshupuri Colony, Jail
Road Lucknow.

Applicant.

By Advocate Shri S.M.K. Chaudhari.

versus

1. Director, Indian Institute of Sugarcane
Research, Lucknow.
2. Senior Administrative officer, Indian
Institute of Sugarcane Research, Rai Bareilly Road,
Dilkusha, Lucknow.

Respondents.

By Advocate Dr. Ashok Nigam.

O R D E R

HON'BLE MR. JUSTICE B.C. SAKSENA, V.C.

Through this O.A. this O.A. the applicant
has challenged the order dated 11.8.92 by which he
was ordered to be reverted from the post of T-II-3
(Mechanic) to the substantive post of ~~of~~ T-I. The
order has been questioned on various grounds
including the ground that before the impugned order
was passed no show cause notice has been issued
to the applicant.

2. The applicant was initially appointed as T-I
Machinist and after advertisement calling for
applications to fill up the post of T-II-3
- 1
Boh

(Mechanic) the applicant's candidature was considered and thereafter he was given appointment on the said post. The learned counsel for the applicant submits that the appointment of the applicant on the latter post is by way of direct recruitment. We find force in the said submission. The applicant, after being directly recruited to the higher post, cannot be reverted to the lower post, more so, without issuing any show cause notice.

3. Various other pleas have been raised by the respondents in the counter affidavit to the effect that the applicant did not fulfil the prescribed qualification for the post of T-II-3 (Mechanics). When the order of reversion has been passed, we find violation of principles of natural justice and we do not consider it necessary to adjudicate and decide the question of want of qualification if any.

4. In view of the above, the O.A. is allowed and the impugned order dated 11.8.92, contained in Annexure 1 to the O.A. is quashed. There will be no order as to the costs.

MEMBER(A)

Lucknow dated: 24.11.94

Shakeel/

Bachchan
VICE CHAIRMAN