

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 1035/96

Transfer Application No.

Date of Decision 4.3.97

V.D.Dhayabari & Ors.

Petitioner/s

Shri S.P.Saxena

Advocate for
the Petitioners

Versus

Union of India & Ors.

Respondent/s

Shri R.K.Shetty

Advocate for
the Respondents

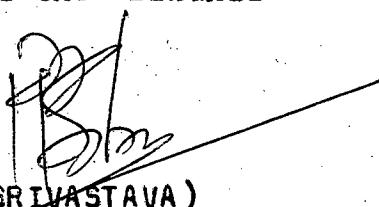
CORAM :

Hon'ble Shri. B.S.Hegde, Member (J)

Hon'ble Shri. P.P.Srivastava, Member (A)

(1) To be referred to the Reporter or not ?

(2) Whether it needs to be circulated to
other Benches of the Tribunal ?


(P.P. SRIVASTAVA)

MEMBER (A)


(B.S. HEGDE)

MEMBER (J)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

OA. NO. 1035/96

1st this the day of March 1997

CORAM: Hon'ble Shri B.S.Hegde, Member (J)
Hon'ble Shri P.P.Srivastava, Member (A)

1. V.D.Dhayabar,
Technical Officer 'A',
A.R.D.E., Pashan,
Pune.
2. P.R.Dilpak,
Technical Officer 'A',
A.R.D.E., Pashan, Pune.
3. K.G.Filley,
Technical Officer 'A',
A.R.D.E., Pashan, Pune.

By Advocate Shri S.P.Saxena

... Applicants

v/s.

1. Union of India
through the Secretary,
Ministry of Defence,
D.H.Q.P.O., New Delhi.
2. The Scientific Advisor,
Ministry of Defence,
DHQ P.O., New Delhi.
3. The Director,
A.R.D.E., Pashan, Pune.

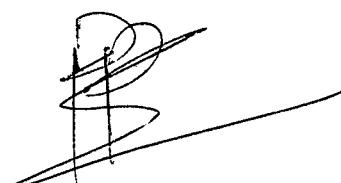
By Advocate Shri R.K.Shetty
C.G.S.C.

... Respondents

O R D E R

(Per: Shri P.P.Srivastava, Member (A)

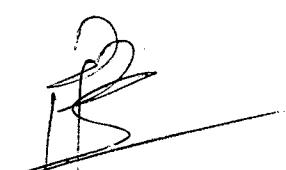
The applicants in this OA. are working as
Technical Officer Grade 'A' (Group B post gazetted)
in the scale of Rs.2375-3500 under Respondent No.3.
The applicants have been reverted from back date
vide the respondents' order dated 11.9.1996. The
names of the applicants are appearing at S.No. 14,
21 and 23 of the order. They have also been treated



as promoted from the post of Chargeman-I to Asstt. Foreman at page 20 of the OA, at Exhibit 'A-1' from back date. The applicants thereafter were promoted to the post of Senior Technical Assistant vide the order dated 25.9.1996 in the scale of Rs.1640-2900. The applicants have challenged the reversion orders dated 11.9.1996 and the subsequent promotion to the post of Senior Technical Assistant vide order dated 25.9.1996 in this OA.

2. The issues involved in this OA, are identical in OA.NO. 1027/96 and both the parties have agreed that the outcome of OA.NO. 1027/96 would also determine the outcome of this OA. After considering various arguments, a final order is passed in OA.NO. 1027/96, a copy of the order is attached along with this judgement. Accordingly, we are disposing of this OA. in terms of the final order passed in OA.NO. 1027/96 in para 16 and order as under :-

In the result, we quash the order qua the applicants dated 11.9.1996 at Exhibit 'A-1'. We also quash the promotion order qua the applicants as Senior Technical Assistant placed at Exhibit 'A-2' being consequential order. The respondent administration would be at liberty to give a show cause notice to the applicants and invite their representation on the same and after considering the same, they may pass a



speaking order. The applicants would be required to file their reply to the show cause notice within a period of one month from the date of receipt of show cause notice. The applicants would be at liberty to approach the Tribunal if they are aggrieved by the final order passed by the respondents, if so advised. The OA. is disposed of with the above directions with no orders as to costs.



(P.P.SRIVASTAVA)
MEMBER (A)



(B.S. HEGDE)
MEMBER (J)

mrj.

1. 2. 3.
4. 5. 6.
7. 8. 9.
10. 11. 12.
13. 14. 15.
16. 17. 18.
19. 20. 21.
22. 23. 24.
25. 26. 27.
28. 29. 30.
31. 32. 33.
34. 35. 36.
37. 38. 39.
40. 41. 42.
43. 44. 45.
46. 47. 48.
49. 50. 51.
52. 53. 54.
55. 56. 57.
58. 59. 60.
61. 62. 63.
64. 65. 66.
67. 68. 69.
70. 71. 72.
73. 74. 75.
76. 77. 78.
79. 80. 81.
82. 83. 84.
85. 86. 87.
88. 89. 90.
91. 92. 93.
94. 95. 96.
97. 98. 99.
100. 101. 102.
103. 104. 105.
106. 107. 108.
109. 110. 111.
112. 113. 114.
115. 116. 117.
118. 119. 120.
121. 122. 123.
124. 125. 126.
127. 128. 129.
130. 131. 132.
133. 134. 135.
136. 137. 138.
139. 140. 141.
142. 143. 144.
145. 146. 147.
148. 149. 150.
151. 152. 153.
154. 155. 156.
157. 158. 159.
159. 160. 161.
162. 163. 164.
165. 166. 167.
168. 169. 170.
171. 172. 173.
174. 175. 176.
177. 178. 179.
179. 180. 181.
182. 183. 184.
185. 186. 187.
188. 189. 190.
191. 192. 193.
194. 195. 196.
197. 198. 199.
199. 200. 201.
202. 203. 204.
205. 206. 207.
207. 208. 209.
209. 210. 211.
211. 212. 213.
213. 214. 215.
215. 216. 217.
217. 218. 219.
219. 220. 221.
221. 222. 223.
223. 224. 225.
225. 226. 227.
227. 228. 229.
229. 230. 231.
231. 232. 233.
233. 234. 235.
235. 236. 237.
237. 238. 239.
239. 240. 241.
241. 242. 243.
243. 244. 245.
245. 246. 247.
247. 248. 249.
249. 250. 251.
251. 252. 253.
253. 254. 255.
255. 256. 257.
257. 258. 259.
259. 260. 261.
261. 262. 263.
263. 264. 265.
265. 266. 267.
267. 268. 269.
269. 270. 271.
271. 272. 273.
273. 274. 275.
275. 276. 277.
277. 278. 279.
279. 280. 281.
281. 282. 283.
283. 284. 285.
285. 286. 287.
287. 288. 289.
289. 290. 291.
291. 292. 293.
293. 294. 295.
295. 296. 297.
297. 298. 299.
299. 300. 301.
301. 302. 303.
303. 304. 305.
305. 306. 307.
307. 308. 309.
309. 310. 311.
311. 312. 313.
313. 314. 315.
315. 316. 317.
317. 318. 319.
319. 320. 321.
321. 322. 323.
323. 324. 325.
325. 326. 327.
327. 328. 329.
329. 330. 331.
331. 332. 333.
333. 334. 335.
335. 336. 337.
337. 338. 339.
339. 340. 341.
341. 342. 343.
343. 344. 345.
345. 346. 347.
347. 348. 349.
349. 350. 351.
351. 352. 353.
353. 354. 355.
355. 356. 357.
357. 358. 359.
359. 360. 361.
361. 362. 363.
363. 364. 365.
365. 366. 367.
367. 368. 369.
369. 370. 371.
371. 372. 373.
373. 374. 375.
375. 376. 377.
377. 378. 379.
379. 380. 381.
381. 382. 383.
383. 384. 385.
385. 386. 387.
387. 388. 389.
389. 390. 391.
391. 392. 393.
393. 394. 395.
395. 396. 397.
397. 398. 399.
399. 400. 401.
401. 402. 403.
403. 404. 405.
405. 406. 407.
407. 408. 409.
409. 410. 411.
411. 412. 413.
413. 414. 415.
415. 416. 417.
417. 418. 419.
419. 420. 421.
421. 422. 423.
423. 424. 425.
425. 426. 427.
427. 428. 429.
429. 430. 431.
431. 432. 433.
433. 434. 435.
435. 436. 437.
437. 438. 439.
439. 440. 441.
441. 442. 443.
443. 444. 445.
445. 446. 447.
447. 448. 449.
449. 450. 451.
451. 452. 453.
453. 454. 455.
455. 456. 457.
457. 458. 459.
459. 460. 461.
461. 462. 463.
463. 464. 465.
465. 466. 467.
467. 468. 469.
469. 470. 471.
471. 472. 473.
473. 474. 475.
475. 476. 477.
477. 478. 479.
479. 480. 481.
481. 482. 483.
483. 484. 485.
485. 486. 487.
487. 488. 489.
489. 490. 491.
491. 492. 493.
493. 494. 495.
495. 496. 497.
497. 498. 499.
499. 500. 501.
501. 502. 503.
503. 504. 505.
505. 506. 507.
507. 508. 509.
509. 510. 511.
511. 512. 513.
513. 514. 515.
515. 516. 517.
517. 518. 519.
519. 520. 521.
521. 522. 523.
523. 524. 525.
525. 526. 527.
527. 528. 529.
529. 530. 531.
531. 532. 533.
533. 534. 535.
535. 536. 537.
537. 538. 539.
539. 540. 541.
541. 542. 543.
543. 544. 545.
545. 546. 547.
547. 548. 549.
549. 550. 551.
551. 552. 553.
553. 554. 555.
555. 556. 557.
557. 558. 559.
559. 560. 561.
561. 562. 563.
563. 564. 565.
565. 566. 567.
567. 568. 569.
569. 570. 571.
571. 572. 573.
573. 574. 575.
575. 576. 577.
577. 578. 579.
579. 580. 581.
581. 582. 583.
583. 584. 585.
585. 586. 587.
587. 588. 589.
589. 590. 591.
591. 592. 593.
593. 594. 595.
595. 596. 597.
597. 598. 599.
599. 600. 601.
601. 602. 603.
603. 604. 605.
605. 606. 607.
607. 608. 609.
609. 610. 611.
611. 612. 613.
613. 614. 615.
615. 616. 617.
617. 618. 619.
619. 620. 621.
621. 622. 623.
623. 624. 625.
625. 626. 627.
627. 628. 629.
629. 630. 631.
631. 632. 633.
633. 634. 635.
635. 636. 637.
637. 638. 639.
639. 640. 641.
641. 642. 643.
643. 644. 645.
645. 646. 647.
647. 648. 649.
649. 650. 651.
651. 652. 653.
653. 654. 655.
655. 656. 657.
657. 658. 659.
659. 660. 661.
661. 662. 663.
663. 664. 665.
665. 666. 667.
667. 668. 669.
669. 670. 671.
671. 672. 673.
673. 674. 675.
675. 676. 677.
677. 678. 679.
679. 680. 681.
681. 682. 683.
683. 684. 685.
685. 686. 687.
687. 688. 689.
689. 690. 691.
691. 692. 693.
693. 694. 695.
695. 696. 697.
697. 698. 699.
699. 700. 701.
701. 702. 703.
703. 704. 705.
705. 706. 707.
707. 708. 709.
709. 710. 711.
711. 712. 713.
713. 714. 715.
715. 716. 717.
717. 718. 719.
719. 720. 721.
721. 722. 723.
723. 724. 725.
725. 726. 727.
727. 728. 729.
729. 730. 731.
731. 732. 733.
733. 734. 735.
735. 736. 737.
737. 738. 739.
739. 740. 741.
741. 742. 743.
743. 744. 745.
745. 746. 747.
747. 748. 749.
749. 750. 751.
751. 752. 753.
753. 754. 755.
755. 756. 757.
757. 758. 759.
759. 760. 761.
761. 762. 763.
763. 764. 765.
765. 766. 767.
767. 768. 769.
769. 770. 771.
771. 772. 773.
773. 774. 775.
775. 776. 777.
777. 778. 779.
779. 780. 781.
781. 782. 783.
783. 784. 785.
785. 786. 787.
787. 788. 789.
789. 790. 791.
791. 792. 793.
793. 794. 795.
795. 796. 797.
797. 798. 799.
799. 800. 801.
801. 802. 803.
803. 804. 805.
805. 806. 807.
807. 808. 809.
809. 810. 811.
811. 812. 813.
813. 814. 815.
815. 816. 817.
817. 818. 819.
819. 820. 821.
821. 822. 823.
823. 824. 825.
825. 826. 827.
827. 828. 829.
829. 830. 831.
831. 832. 833.
833. 834. 835.
835. 836. 837.
837. 838. 839.
839. 840. 841.
841. 842. 843.
843. 844. 845.
845. 846. 847.
847. 848. 849.
849. 850. 851.
851. 852. 853.
853. 854. 855.
855. 856. 857.
857. 858. 859.
859. 860. 861.
861. 862. 863.
863. 864. 865.
865. 866. 867.
867. 868. 869.
869. 870. 871.
871. 872. 873.
873. 874. 875.
875. 876. 877.
877. 878. 879.
879. 880. 881.
881. 882. 883.
883. 884. 885.
885. 886. 887.
887. 888. 889.
889. 890. 891.
891. 892. 893.
893. 894. 895.
895. 896. 897.
897. 898. 899.
899. 900. 901.
901. 902. 903.
903. 904. 905.
905. 906. 907.
907. 908. 909.
909. 910. 911.
911. 912. 913.
913. 914. 915.
915. 916. 917.
917. 918. 919.
919. 920. 921.
921. 922. 923.
923. 924. 925.
925. 926. 927.
927. 928. 929.
929. 930. 931.
931. 932. 933.
933. 934. 935.
935. 936. 937.
937. 938. 939.
939. 940. 941.
941. 942. 943.
943. 944. 945.
945. 946. 947.
947. 948. 949.
949. 950. 951.
951. 952. 953.
953. 954. 955.
955. 956. 957.
957. 958. 959.
959. 960. 961.
961. 962. 963.
963. 964. 965.
965. 966. 967.
967. 968. 969.
969. 970. 971.
971. 972. 973.
973. 974. 975.
975. 976. 977.
977. 978. 979.
979. 980. 981.
981. 982. 983.
983. 984. 985.
985. 986. 987.
987. 988. 989.
989. 990. 991.
991. 992. 993.
993. 994. 995.
995. 996. 997.
997. 998. 999.
999. 1000. 1001.