

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS THE 17TH DAY OF OCTOBER, 1986.

Present: Hon'ble Shri CH.Ramakrishna Rao Member (J)
Hon'ble Shri P. SRINIVASAN Member (A)

Application No : 350 of 86

Shri P.M.Srinivasan
Major, working as Auto Exchange
Assistant, Indoor, Central Telephone
Exchange, Ringwood Circle,
Bangalore-560001

Applicant

vs

1. Union of India
represented by its Secretary,
Department of Communications,
New Delhi.

2. The Deputy General Manager (M),
Telephones District,
Bangalore-560009.

3. The General Manager,
Telephones,
K.G.Read, Bangalore-560009.

Respondents

(Shri M. Vasudeva Rao, Advocate)

The applicant came up for hearing before Court
on 17-10-1986. Member (A) made the following:-

O R D E R

In this application received on transfer from the High Court of Karnataka, the grievance is that the applicant who was appointed as Auto Exchange Assistant (AEA) in the office of the Assistant Engineer, Indoor, Central Telephone Exchange, Bangalore, by order dated 19-11-1979 was unceremoniously reverted from that post to his original post of Technician by a subsequent order dated 12/14th August 1980. The latter order reverting him merely states that he was not eligible for the qualifying examination for promotion to the cadre of AEAs held in July 1979 which he had actually taken and passed and as a result of which he was promoted on 19-11-1979 as AEA after completing a period of training at Ghaziabad for the purpose.

P. Srinivasan

The applicant was not present when the matter came up for hearing, but we decided to proceed with the hearing with the assistance of Shri M.Vasudeva Rao, learned counsel for the respondent.

We have perused the records and have heard Shri Vasudeva Rao. We are satisfied that the order dated 12/14th August 1980 (Annexure E) by which the applicant was reverted to his original post of Technician with immediate effect passed without giving any opportunity of hearing in the matter to the applicant constitutes a denial of the protection to which he is entitled under Article 311(2) of the Constitution. This is particularly so when he was permitted to take the qualifying examination, had passed it and had undergone the requisite training before his earlier promotion as AEA. Further the order does not explain why he was considered ineligible to take the qualifying examination he had passed and how the authorities had allowed him to take the said examination in the first place. A bald order of reversion like this violates the principles of natural justice. Fortunately the operation of the order of reversion was stayed by the High Court by an order dated 26-8-80 and the applicant continues to hold the same post. We have no hesitation in quashing the order at Annexure E for the reasons stated above.

The application is allowed and there will be no order as to costs.

Ch. Ramakrishna Rao
(Ch. Ramakrishna Rao)
Member (J)
17/10/86

P. Srinivasan
(P. Srinivasan)
Member (A)
17/10/86