

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

Commercial Complex(BDA),  
Indiranagar,  
Bangalore- 560 038.

Dated: 9/12/87

APPLICATION NO 899 /87 (F)

W.P.No. \_\_\_\_\_

APPLICANT

Vs

RESPONDENTS

The Chief Medical Officer, CGHS, Bangalore

Smt N. Kausalya

To

1. Smt N. Kausalya  
Upper Division Clerk  
Office of the Chief Medical Officer  
Central Govt. Health Scheme  
21/2/2A, 9th Main, 3rd Block West  
Jayanagar  
Bangalore - 560 011
2. Dr M.S. Nagaraja  
Advocate  
35 (Above Hotel Swagath)  
1st Main, Gandhinagar  
Bangalore - 560
3. The Chief Medical Officer  
Central Govt. Health Scheme  
21/2/2A, 9th Main, 3rd Block West  
Jayanagar  
Bangalore - 560 011
4. Shri M. Vasudeva Rao  
Central Govt. Stng Counsel  
High Court Building  
Bangalore - 560 001

2  
Recd copy  
Recd copy  
16/12/87

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/STAN/

~~ORDER~~ passed by this Tribunal in the above said application

on 4-12-87

Recd copy for CMO CGHS  
10/12/87

Encl: as above.

**RECEIVED** 2 copies 14/n/0  
Diary No. 5211521/87  
Date: 14.12.87

RECEIVED  
DEPUTY REGISTRAR  
(JUDICIAL)

dc...

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE

DATED THIS THE 4th DAY OF DECEMBER, 1987

Present : Hon'ble Justice Sri K.S.Puttaswamy Vice-chairman  
Hon'ble Sri L.H.A.Rego Member (A)

APPLICATION No. 899/1987.

Smt.N.Kausalya,  
UDC,O/o the Chief Medical  
Officer, CGHS,Jayanagar,  
Bangalore - 560 011. ... Applicant  
( Dr.M.S.Nagaraja ... Advocate )

vs.

The Chief Medical Officer,  
CGHS, Jayanagar,  
Bangalore - 560 011. ... Respondent  
( Sri M.Vasudeva Rao ... Advocate )

This application has come up before the  
Tribunal today. Hon'ble Justice Sri K.S.Puttaswamy,  
Vice-chairman made the following :

O R D E R

In this application made under Section 19  
of the Administrative Tribunals Act, 1985(Act) the  
applicant has challenged Office Order No.449 dated  
27th October, 1987(Annexure-A2) of the Chief Medical  
Officer, CGHS, Bangalore('CMO').

2. The applicant initially joined service as  
a Lower Division Clerk(LDC) on 11.12.1976 on a tem-  
porary basis. In accordance with the recommendations  
of a Departmental Promotion Committee(DPC), the CMO  
by his Office Order No.130 dated 21.5.1985(Annex-A1)  
promoted the applicant as an Upper Division Clerk(UDC)  
with effect from 13.5.1985 on a temporary basis.



Onward from 21.5.1985, the applicant was working as an UDC. On 27.10.1987, the CMO had reverted the applicant as an LDC from that day. Hence, this application.

3. Among others, the applicant has urged that before reverting her on the very vague ground, the CMO had not afforded her an opportunity to state her case.

4. In justification of the order made, the respondent had filed his reply and has produced the records.

5. Dr.M.S.Nagaraja, learned Counsel for the applicant contends that it was not open to the CMO to make the impugned order without affording an opportunity to the applicant to state her case in contravention of the principles of natural justice as ruled by the Supreme Court, in STATE OF ORISSA- vs.- Dr.(Miss)BINAPANI DEI & ORS.(AIR 1967 SC 1269).

6. Sri M.Vasudeva Rao, learned Additional Standing Counsel for Central Government appearing for respondent, sought to support the impugned order.

7. The order made by the CMO, discloses that the same had been made without issuing a show cause notice and affording an opportunity to the applicant to state her case. The assertion of the applicant that she was not afforded such an opportunity is not denied in the reply. An examination of the records also establishes that such an opportunity was not



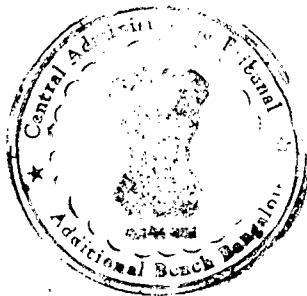
afforded to the applicant.

8. The applicant does not admit that her promotion was erroneous as stated by the CMO. When that is so, the CMO could not have reverted the applicant without a show cause notice and affording her an opportunity to state her case and the same without any doubt is in contravention of the principles of natural justice and is illegal and is therefore liable to be interfered with by us on that short ground without examining all other questions and leaving them to be decided by the CMO himself.

9. In the light of our above discussion, we allow this application and quash the impugned order. But, this order does not prevent the CMO or any other competent officer to re-do the matter in accordance with law.

10. Application is disposed of in the above terms. But, in the circumstances of the case, we direct the parties to bear their own costs.

an.



Sd/-

VICE-CHAIRMAN 4/1

Sd/-

MEMBER(A)

-True copy-

*R. Venkatesh Rao*  
DEPUTY REGISTRAR  
CENTRAL ADMINISTRATIVE TRIBUNAL (9/12)  
ADDITIONAL BENCH  
BANGALORE