

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No. 481/91
~~Exxxx No.~~

198

DATE OF DECISION 11.6.1992

Shri S.R.Tiwari Petitioner

None for the applicant Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent

Shri J.G.Sawant Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. Justice S.K.Dhaon, Vice Chairman

The Hon'ble Mr. M.Y.Priolkar, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

NO
 July

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY

OA.NO. 481/91

Shri S.R.Tiwari ... Applicant

V/S.

Union of India & Ors. ... Respondents

CORAM: Hon'ble Vice Chairman Shri Justice S.K.Dhaon
Hon'ble Member (A) Shri M.Y.Friolkar

Appearance

None for the applicant

Mr.J.G.Sawant
Advocate
for the Respondents

ORAL JUDGEMENT

Dated: 11.6.1992

(PER: S.K.Dhaon, Vice Chairman)


The order dated 13.12.1990 reverting the petitioner from the post of Mechanical Fitter Gr.II to the post of Mechanical Fitter Gr.III is being challenged in the present petition. It is averred the petitioner was promoted on a substantive basis. This averment is corroborated by Annexure-5 to the petition which purports to ^{be} the order by which the petitioner was promoted.

2. On 10.1.1992, Shri J.G.Sawant, learned counsel for the respondents was granted four weeks time to file a counter affidavit. He was again granted time on 16.3.1992, then on 3.4.1992 Shri Sawant was granted four weeks time to file the reply. However, no reply has been filed so far. Shri Sawant has made a passionate appeal for the grant of more time. We are not inclined to accept his request. We are proceeding to dispose of this petition finally.

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3. The petitioner had been promoted on substantive basis. The impugned order of reversion is not sustainable on the very face of it. Obviously, the same has been passed without affording any opportunity of a hearing to the petitioner.

4. The petition succeeds and is allowed. The impugned order of reversion is quashed. The petition stands disposed of.


(M.Y. PRIOLKAR)
MEMBER (A)


(S.K. DHARON)
VICE CHAIRMAN

mrj.