

(2) CAT/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A. No. 579/91

198

Exhibit No. 1

DATE OF DECISION 15.6.92

Smt. Padmini Sethuraman Petitioner

Applicant in person Advocate for the Petitioner(s)

Versus

Union of India & ors. Respondent

Mr. V M Bendre for Mr. P M Pradhan 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

MOIPRRND-12 CAT/86-3-12-86-15,000

Sub  
V.C.

(3)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL;  
BOMBAY BENCH, "GULESTAN" BUILDING NO.6  
PREScot ROAD; BOMBAY-1

OA No. 579/91

Smt. Padmini Sethuraman  
D/o. P K Rajagopalan  
2609/207 Sector VI  
C.G.S. Quarters  
Koliwada  
Bombay 400037

..Applicant

V/s.

1. Principal Director of  
Audit & Ex-Officio Member,  
Audit Board-I; Bombay  
6th floor; Engineering  
Centra; 9 Mathew Road  
Bombay-4
2. The Principal Director  
of Audit and Ex-Officio  
Member, Audit Board II  
3rd floor; Ilaco House  
Sir P M Road; Fort  
Bombay 400001
3. Chairman, Audit Board and  
Ex-officio Comptroller &  
Auditor General of India  
10 Bahadur Shah Zafar Marg  
New Delhi 110002
4. Comptroller and Auditor  
General of India  
10 Bahadur Shah Zafar Marg  
New Delhi 110001.
5. Secretary  
Ministry of Finance  
Department of Expenditure  
North Block; New Delhi

..Respondents

Coram: Hon. Shri Justice S K Dhaon, V.C.  
Hon. Shri M Y Priolkar, Member (A)

APPEARANCE:

Applicant in  
person

Mr. V M Bendre  
Proxi counsel  
for Mr. P M Pradhan  
Counsel for the  
Respondents:

ORAL JUDGMENT:  
(PER: S K Dhaon, Vice Chairman)

DATED: 15.6.92

By order dated 7.6.90 the applicant was  
promoted as Auditor. On 16.11.1990 the order was  
passed reverting her with effect from June 1990.

The order of reversion is impugned in the present application.

Heard the counsel appearing for the respondents who prays for time for filing a reply. The order sheet indicates that the respondents were issued notice on 20.4.92 to show cause on or before 15.6.1992. In view of the order we are about to pass, we feel no useful purpose would be served in granting further time to the respondents to file a reply. We are, therefore, proceeding to dispose of this application finally.

From a bare reading of the impugned order it is apparent that the applicant was not given an opportunity of hearing before she was reverted to her original post. This short coming itself is enough to vitiate it.

Counsel for the respondents has relied upon a decision given in the case of RAVINDRANATH TIWARI V. DIVISIONAL SUPERINTENDENT OF EDUCATION & ANOTHER, 1978 ALJ 97 (M.P.). In this case it is held that the reversion of an officer promoted on the basis of wrong seniority list does not amount to reduction in rank. It is not an authority for the proposition that, as in the circumstances of the instant case, a Government servant is not entitled to atleast a right to make a representation against the proposed order of reversion.

The other case relied upon by the counsel is the decision in the case of R. KUPPUSWAMY AND ANOTHER V. UNION OF INDIA AND OTHERS, 1991(2) ATJ 355. According to this authority, a void selection can be cancelled without notice to those affected. There, a decision of the selection

(5)

committee was held to be void. That is not the position in the instant case. It is not the case of the respondents that the decision taken to promote the petitioner was void ab-initio. The only reason given in the impugned order is that the order of promotion was an illegal one. Surely the petitioner was at least entitled to make an attempt to demonstrate that the order of promotion had been legally passed.

The application succeeds and the impugned order dated 16.1.1990 is quashed. It will be open to the respondents, if so advised, to pass a fresh order in accordance with law. The application stands disposed of finally.

  
( M.Y. Priolkar )  
Member (A)

  
( S K Dhaon )  
Vice Chairman