

(2)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 1260/92

Transfer Application No: ----

DATE OF DECISION 22-12-1992

1. M.Anand Rao

2. Dharmesh T.Rana

Petitioner

Mr.M.S.Ramamurthy

Advocate for the Petitioners

Versus

Union of India and two ors.

Respondent

Mr.N.K.Srinivasan

Advocate for the Respondent(s)

CORAM:

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

The Hon'ble Shri V.D.Deshmukh, Member(J)

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 ?

M

MD


(M.Y.PRIOLKAR)

NS/

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

(3)

O.A.1260/92

1. M.Anand Rao
2. Dharmesh T. Rana

C/o.Ramesh Ramamurthy,
Advocate,
High Court,
CA Bar Room,
'Gulestan', III Floor,
Prescot~~on~~ Road,
Bombay - 400 001. .. Applicants

-versus-

1. Union of India
through
General Manager,
Western Railway,
Churchgate,
Bombay - 400 020.
2. Divisional Railway Manager,
Western Railway,
Bombay Central,
Bombay.
3. Chief Personnel Officer,
Western Railway,
Churchgate,
Bombay . 400 020. .. Respondents

Coram: Hon'ble Shri M.Y.Priolkar, Member(A)

Hon'ble Shri V.D.Deshmukh, Member(J)

Appearances:

1. Mr.M.S.Ramamurthy
Advocate for the
Applicant.
2. Mr.N.K.Srinivasan
Advocate for the
Respondents.

ORAL JUDGMENT: Date: 22-12-1992
(Per M.Y.Priolkar, Member(A))

The two applicants in this case were regularly promoted to officiate as Inspector of Hours of Employment Regulation(IHER),Gr.III, in the scale of Rs.1400-2300 by order dtd. 25-5-92 of Divisional Railway Manager(WR).

By order dt. 1-12-1992 both the applicants were reverted to their substantive posts with immediate effect. The grievance of the applicants is that the applicants were not heard

before the order reverting them was passed.

2. The respondents in their written reply have stated that the panel consisting of these two applicants has been cancelled by order dt. 1-12-1992 as selection of these two applicants was found to be highly irregular and invalid as per rules. A vigilance report has also been annexed to the reply containing the alleged irregularities in the selection process.

3. Irrespective of the merits and justification for cancellation of the panel, it is not in dispute that the applicants were already officiating in higher posts for quite some time and ^{they were} reverted ~~them~~ without giving ~~them~~ an opportunity for hearing. It is not denied by the respondents ^{that} the applicants were not heard before ordering their reversion. In our view, therefore, the reversion order has to be struck down as being violative of principles of natural justice.

4. Accordingly the order dt.1.12.1992 is set aside. It will be open for the respondents to proceed further after giving an opportunity of hearing to the applicants and pass necessary orders in accordance ^{with} ~~to~~ law. If the applicants are still aggrieved with the order they will have ^{the} liberty to approach this Tribunal again within a period of 15 days after communication of any such order, which will remain stayed for this period.

5. With these directions the application

is disposed of finally with no order as to costs.



(V.D. DESHMUKH)
Member(J)



(M.Y. PRIOLAR)
Member(A)

MD