

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

J A I P U R .

T.A. NO. 2353/86

Date of decision: 14.7.93

KISHAN LAL

: Applicant

VERSUS

UNION OF INDIA

: Respondents.

Mr. G.P. Soral

: Counsel for the applicant.

Mr. U.D. Sharma

: Counsel for the respondents.

CORAM:

Hon'ble Mr. Justice D.L. Mehta, Vice-Chairman

Hon'ble Mr. O.P. Sharma, Administrative Member

PER HON'BLE MR. JUSTICE D.L. MEHTA, VICE-CHAIRMAN:

Heard the learned counsel for the parties.

2. The applicant was appointed as driver on ad-hoc basis on 2.5.80. Thereafter, a DPC was held for the selection of drivers and the applicant was regularly appointed as driver on 9.6.82, on the basis of selection through the DPC.

3. Thereafter, the respondents found that the D.P.C. had not been properly constituted and passed order dated 19.5.83 reverting the applicant from the post of driver. The applicant filed this suit before the learned Munsif, Kota who granted a temporary injunction in the applicant's favour vide order dated 4.5.83. The applicant is continuing on this post of driver on the basis of the stay granted by the court.

4. There are two grounds on which the order of reversion is bad in law. One is that the order of reversion was passed without hearing the applicant and the principles of natural justice have not been followed. The second is that the applicant was appointed as driver on 2.5.80 and he has been continuing for 13 years on that post. There is nothing to suggest that the constitution/holding of DPC was so irregular that the irregularity went to the root of the matter and therefore, the selection by the DPC were wholly improper. There are, therefore, no grounds for reverting the applicant now particularly when he has been serving as a driver for the last 13 years.

5. In the result, the T.A. is allowed; the order of reversion dated 19.5.83 is set aside. The applicant may be treated as regularly appointed driver from the date of his original appointment on the basis of selection by the DPC. 248

6. There shall be no order as to costs.

( O.P. SHARMA )  
Administrative Member

( D.L. MEHTA )  
Vice-Chairman