IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH JAIPUR.

O.A.No.760/92 Dt. of order: 25.11.93

Raghuvir Singh : Applicant

Vs.

Union of India & Ors. : Respondents

O.A.No.761/92

Balkishan : Applicant

Vs.

Union of India & Ors. : Respondents

O.A.No.762/92

Prem Chand : Applicant

Vs.

Union of India & Ors. : Respondents

O.A.No.842/92

Manoharlal : Applicant

Vs.

Union of India & Ors. : Respondents

O.A.No.843/92

Kanhya Lal Gaur : Applicant

Vs.

Union of India & Ors. : Respondents

O.A.No.844/92

Vijay Kumar : Applicant

Vs.

Union of India & Ors. : Respondents

Mr.J.K.Kaushik : Counsel for applicants

Mr.S.S.Hasan : Counsel for respondents

CORAM:

Hon'ble Mr.Gopal Krishna, Member(Judl.)

Hon'ble Mr.O.P.Sharma, Member(Adm.).

PER HON'BLE MR.GOPAL KRISHNA, MEMBER(JUDL.):

Applicants Raghuvir Singh, Balkishan, Prem Chand, Manoharlal, Kanhya Lal Gaur, and Vijay Kumar, have filed these applications under Sec.19 of the Administrative Tribunals Act, 1985, praying that the notice contained

in the letter dated 21.4.89 at Annx.A-6 by which they were informed that on their failure to appear in and clear the trade test for the posts of Skilled Fitter scale Rs.950-1500, they shall be deemed to have refused promotion be,quashed. The applicants have also prayed for a declaration that they have acquired a right to the posts of Skilled Fitter on which they have been working since 1983. Since common questions of law and facts are involved in these applications, the same are being disposed of by a common order.

2. We have heard the learned counsel for the parties and perused the records. The applicants were initially appointed as Khalasis in the Western Railway, Ajmer. While holding the post of Khalasis all these applicants appeared in and cleared the trade test for Skilled Fitter. Thereafter, they were promoted to the posts of Skilled Fitter in 1983. It is alleged by them that they were granted promotion against clear vacancies and they have been continuously working on the posts of Skilled Fitter since 1983. It must be noted that the applicants had filed O.As earlier against their orders of reversion from the posts of Skilled Fitter to that of Khalasis in the Jodhpur Bench of this Tribunal and their orders of reversion were quashed as being violative of the principles of natural justice. Thereafter, the impugned notices have been issued to the applicants. The letter at Annx.A-6 dated 21.4.89 is merely a show cause notice and where a show cause notice is issued to any government servant, ordinarily the government servant must place his case before the concerned authority and in such an event the Courts/ Tribunal should be reluctant to interfere with the notice at that stage unless it is shown that the notice is ex facie illegal.

(9)

3. In these circumstances, we dispose of these applications with the following directions:

i) The applicants shall submit their replies to the show cause notices at Annx.A-6 dated 21.4.89 to the concerned authorities within a period of one month from the date of this order and the respondents are directed to dispose of their replies within a period of two months from the dates of receipt thereof in accordance with the rules, instructions and guidelines on the subject through speaking orders.

ii) The respondents are further directed not to revert the applicants from the posts of Skilled Fitter grade III scale Rs.950-1500 till decisions are taken by them on their replies and communicated to the applicants.

iii) If any of the applicants feels aggrieved by any decision taken on his reply, he shall be at liberty to file a fresh O.A.

4. There shall be no order as to costs.

(O.P.Sharma)
Member(Adm.).

(Gopal Krishna)
Member(Judl).