

JAIPUR.

O.A. No. 640/92

Date of decision: 24.3.94

KAMAL SINGH

: Applicant.

VERSUS

UNION OF INDIA & ORS : Respondents.

Mr. R.C. Gaur : Counsel for the applicant.

Mr. K.N. Shrimal : Counsel for the respondents.

CORAM:

Hon'ble Mr. Gopal Krishna, Judicial Member

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

PER HON'BLE MR. O.P. SHARMA, ADMINISTRATIVE MEMBER:

Shri Kamal Singh has filed this application U/S 19 of the Administrative Tribunals Act, 1985 praying that orders dated 6.11.86 (Annexure A-10) and 16.5.88 (Annexure A-13) by which the applicant was reverted from the post of Fireman II to that of Coalman may be quashed. He has further prayed that his services as Fireman II may be protected with all consequential benefits.

2. The applicant was appointed as Coalman by order dated 14.7.78 (Annexure A-5) and thereafter by order dated 18.10.85 (Annexure A-9) he was promoted as Fireman II. Thereafter, the respondents passed order dated 6.11.86 (Annexure A-10) reverting him to the post of Coalman. This order was kept in abeyance for some time and it was revived by order dated 16.5.88 (Annexure A-13). The case of the respondents is that the applicant had been wrongly assigned seniority and, therefore, promotion given to him as Fireman II was irregularly granted, hence they passed order reverting the applicant to the lower post of Coalman held by him earlier since July, 78.


3. For the purpose of disposal of this application, it is not necessary for us to go into other controversies raised by the applicant or the respondents. Suffice it to say that the principles of natural justice which involve giving an opportunity of hearing before reverting

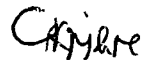
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the applicant who was appointed on a regular basis to the post of Fireman II to the lower post of Coalman have not been observed in this case. This position is not denied by the respondents.

4. In the circumstances, we set aside the orders, Annexures A-10 and A-13 by which the applicant was reverted to the lower post of Coalman. (The applicant is, however, still continuing on the post of Fireman II on the basis of the stay granted by this Tribunal on 3.6.88).

5. The O.A. is disposed of accordingly, with no order as to costs.


(O.P. SHARMA)
Administrative Member


(GOPAL KRISHNA)
Judicial Member