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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.562/99

dt.26-7-99

Between

N. Basavaiah

Applicant

and

1. Telecom District Manager
Khammam 507 050

2. Genl. Manager Telecom
Warangal Telecom Area at
Hanamkonda 506001

3. Chief General Manager Telecom
Andhra Pradesh
Doorsanchar Bhavan
Station Road, Hyderabad 500001

: Respondents

Counsel for the applicant : JV Lakshman Rao
Advocate

Counsel for the respondents : B. Narasimha Sharma
Sr.CGSC

Coram

Hon. Mr. R. Rangarajan, Member(Admn.)

Hon. Mr. B.S. Jai Parameshwar, Member(Jud1)

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Order

Oral order (per Hon. Mr. R. Rangarajan, Member (Admn.))

Heard Mr. J.V. Laxman Rao and M.C. Jacob for Mr. B. Narasimha Sharma.

1. The applicant in this OA was promoted against Physically Handicapped persons by memo No.E.3-98/IV/92 dated 27-8-98 (Annex.2). However, he was reverted by the impugned order No.E.3-98/iv/96 dated 28-9-98 (Annex.5) and (Annex.4).
2. This OA is filed setting aside the impugned reversion and order of Respondent-3/for a consequential direction to Respondent-3 to re-promote the applicant in promotional post of TOA Grade-III from the date he was reverted against the point reserved for Physically handicapped with all consequential benefits.
3. A reply has been filed in this OA. The main reason given for his reversion is that the applicant was promoted applying reservation rule in favour of SC/STs which reservation rule is enclosed as Annexure R-1 to the OA. The respondents further submitted that as wrong circular was taken note in promoting the applicant against Physically handicapped the impugned reversion order/ issued.
4. The respondents have in/careless fashion made selection under inapplicable rules and promoted the applicant. When they realised that a wrong rule was applied in promoting the applicant to the BCR Schale the normal course will be to issue a show cause notice to the applicant to explain as to why his continuance in the promoted cadre cannot be discontinued and ask for his explanation. On the basis of the explanation received by them the

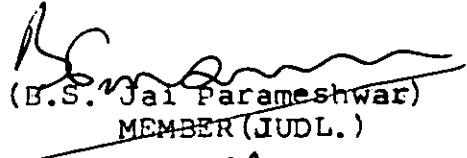
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respondents can take action as deemed fit under rules. ✓ the principles of natural justice. A promoted employee cannot be reverted without informing the reasons and also obtain his views in this regard. Such a course of action was not followed in this case. Hence we feel that there is violation of principles of Natural Justice. On that score the impugned order of reversion dated 28-9-98 is liable to be set aside. However, liberty is given to the respondents to issue a proper show cause notice and take further action on the basis of the reply to be received from the applicant.

5. In the result the impugned reversion order No.E-3-88/IV/96 dated 28-9-98 is set aside. But liberty is given to the respondents as stated above.

6. The OA is disposed of. No costs.


(B.S. Jai Parameshwar)
MEMBER (JUDL.)

26.7.99


(R. Rangarajan)
MEMBER (ADMN.)

Dated : July 26, 1999
Dictated in Open Court


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