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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A.No.626/96

Date of order: 2.12.1996

Subodh Kumar Srivastava, S/o Shri A.P.Srivastava, Inspecting Officer, O/o the Development Commissioner (Handicrafts) Sarpanch House, Tonk Phatak, Jaipur.

...Applicant.

Vs.

1. Union of India through Secretary, Ministry of Textiles, Central Secretariat, New Delhi.
2. Development Commissioner (Handicrafts) West Block No.7, P.K.Puram, Sector-1, New Delhi-110066.
3. Deputy Director (Administration-1) O/o the Development Commissioner (Handicrafts) Ministry of Textiles, Govt. of India, West Block-7, P.K.Puram, Sector-1, New Delhi.
4. Deputy Director (Handicrafts), Office of the Development Commissioner (Handicrafts), Sarpanch House, Tonk Phatak, Jaipur.
5. G.C.Kundu, Assistant Director (Textiles) Southern Regional Office, O/o the Development Commissioner (Handicrafts), Shastri Bhawan, Madras.

...Respondents.

Mr.Rajendra Soni : Counsel for applicant

CORAM:

Hon'ble Mr.Gopal Krishna, Vice Chairman

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

PER HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN.

Applicant Shri Subodh Kumar Srivastava in this application under Sec.19 of the Administrative Tribunals Act, 1985, has prayed for the following reliefs:

"(i) By issuing an appropriate writ, order or direction this Hon'ble Tribunal may kindly call for the entire record relating to this case from the respondents and after perusing the same the impugned order dated 25.6.96

C.K. Sharma

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(Annx.A4) inducting respondent No.5, whose resignation has been accepted long back, as Assistant Director (Textiles) and reverting the applicant vide impugned order dated 25.6.96 (Annx.A5) due to illegal induction of respondent No.5, be quashed and set aside with all consequential benefits in favour of the applicant and the applicant be ordered to be continued on the post of Assistant Director (Textiles) upon which he was continuing on the day of the passing of the impugned order dated 25.6.96 with all consequential benefits.

(ii) By any other appropriate writ, order or direction in the alternate the respondent No.5 who has been inducted as Assistant Director (Textiles) while the applicant was working as Assistant Director (Textiles) be declared junior to the applicant in all respects on the post of Assistant Director (Textiles).

(iii) Any other appropriate order or direction which this Hon'ble Tribunal deem think fit and proper in the facts and circumstances of this case may kindly be passed in favour of the applicant.

(iv) Cost of the original application may also be awarded in favour of the applicant."

2. We have heard the learned counsel for the applicant. The grievance of the applicant is that he was promoted as Assistant Director (Textiles) alongwith other persons vide order dated 12.5.95 (Annx.A3). Other persons mentioned in Annx.A3 are continuing on the post of Assistant Director but the applicant has been reverted from that post to the post of Inspecting Officer as a result of illegal reinduction of respondent No.5, G.C.Kundu as Assistant Director (Textiles) on the basis of his representation dated 7.6.1996. It has also been stated that the *Chivve* resignation of Shri G.C.Kundu the then Assistant Director was

accepted long back on 18.4.1994 and the reversion of the applicant having been caused by the reinduction of Shri G.C. Kundu is illegal and arbitrary. The applicant has not preferred an appeal challenging his reversion as envisaged by Rule 23(V) (b) of the CCS(CCA) Rules, 1965. The present application, in our view is, therefore, premature. However, we direct the applicant to make an appeal to the concerned appellate authority against his reversion from the post of Assistant Director (Textiles) to that of Inspecting Officer, within a period of 15 days from today and if such an appeal is preferred by the applicant, it shall be decided by respondent No.2 within a period of one month by a speaking order on merits. While preferring the appeal, the applicant may also spell out the reinduction of Shri G.C.Kundu as Assistant Director (Textile) due to which he has been reverted. If the applicant is aggrieved by the decision taken by the appellate authority on his appeal, he may file a fresh O.A. The O.A stands disposed of at the stage of admission.


(O.P.Sharma)

Administrative Member.


(Gopal Krishna)

Vice Chairman.