

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

.....
Date of Order : 12/7/2002

O.A. NO. 282/1997

Uchhav Lal Verma S/o Shri Jagan Nath Verma
Aged about 50 years, By Caste Koli,
R/o Civil Lines, Khand Ganwadi, Distt. Kota,
Presently working as Sepoy in the office of
Dy. Commissioner, Narcotics Department,
Kota (Rajasthan).

.....Applicant.

versus

1. Union of India, through the Chairman
Central Board of Excise and Customs,
Jeevan Deep Building, Parliament Street,
New Delhi.
2. The Narcotics Commissioner of India,
19, the Mall Morar,
Gwalior (MP).
3. The Deputy Narcotics Commissioner,
Rajasthan, Kota.

.....Respondents.

CORAM :

Hon'ble Mr. A.P. Nagrath, Administrative Member
Hon'ble Mr. J.K. Kaushik, Judicial Member

Mr. S.K. Jain
Mr. P.C. Sharma, Adv. proxy for
Mr. Sanjay Pareek

For the applicant.

For the respondents.



.2.

ORDER

(PER MR.A.P.NAGRATH);

The applicant is a Sepoy in the Narcotics Department at Kota. Under the Narcotics Department (Group 'C' and 'D'posts) Recruitment (Amended) Rules, 1988, the post of Sub Inspectors are filled up on promotion by selection from amongst the Sepoy and Hawaldars to the extent of 25%. Pursuant to these Rules, a selection was conducted in July 1989. Having been successful, the applicant was promoted to the post of Sub Inspector vide order dated 11.5.1990. By communication dated 9.1.1992, the respondent No. 2, directed a review DPC to be held for promotion to the posts of Sub Inspector and as an ultimate outcome of the review, the list of successful candidates got revised and order dated 23.9.1994 (Annex. A/1), was issued by the respondents by which the Sepoys/ Hawaldars, mentioned therein, were ordered to be promoted. Consequently, in para 3 of the same order, it was mentioned that Sepoys / Hawaldars of Headquarters, Madhya Pradesh-Rajasthan and Uttar Pradesh Units erroneously promoted to the grade of Sub-Inspector on the basis of Departmental Promotion Committee-1990 are hereby reverted to the grade of Sepoy/Hawaldar with immediate effect. The list of persons so reverted included the name of applicant at sl. No. 7 under Madhya Pradesh-Rajasthan Unit. Aggrieved with this order, the applicant has come before us by filing this O.A. and seeks quashing of the order dated 23.9.1994 placed at Annex. A/1 qua the applicant. He has also made a prayer that the judgement of the Jabalpur Bench of the Tribunal dated 14.10.1993 placed at Annex. A/2, be declared as not binding on the applicant.

2. We have heard the learned counsel for the parties and perused the records of the case.
3. We find that when the Narcotics Commissioner of India, vide his letter dated 9.1.1992, ordered holding of a review DPC, some of the selected persons i.e. Poonam Chand & 14 others, Ram Harsh and 4 others,



challenged that order by filing OAs No. 102/92, 234/92. Devender Singh & Ors. filed O.A. No. 686/91, challenging the earlier selection. All these applications had been taken up together for hearing by the Jabalpur Bench of the Tribunal sitting at Gwalior and the matters were decided on 14.10.1993. The Tribunal observed that there remains no doubt that the order dated 9.1.1992 has been passed in pursuance of the correct interpretation of the Rules". The operative part of the order reads as follows :-

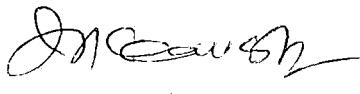
"5. In the result the O.A. No. 102/92, Poonam Chand & 14 others Vs. Union of India & others and O.A. No. 234/92 Ram Harsh and 4 others Vs. Union of India & others are liable to be dismissed. Accordingly they are dismissed. O.A. No. 686/91 Devender Singh and others Vs. Union of India and others is allowed. The stay order passed in these petitions is hereby vacated. The department is directed to proceed with the Review D.P.C. in accordance with the order dt. 9.1.92. Parties are left to bear their own costs."

4. Obviously, the controversy stands finally resolved by the order of Jabalpur Bench of the Tribunal. We see no merit in the argument advanced on behalf of the applicant by the learned counsel Shri S.K. Jain, that the said judgement be declared as 'not binding'. We have gone through the entire order and we fully agree with the conclusions arrived at. Shri Jain asserted that the applicant should have been given a notice before being reverted. We do not find any rationale in this argument for the reason that the impugned order itself had been passed in compliance of the orders of the Tribunal dated 14.10.1993 and the fact has clearly been mentioned to this effect in the order impugned in this O.A. For complying with the orders of any Court or the Tribunal, no notice is required to be given to the individual so affected. The merits of the case have been fully deliberated upon by the learned Members of the Jabalpur Bench and there is no ground for us for coming to any different conclusion. There is not even an iota of suggestion in the averments of the applicant in the O.A. as to what prejudice has been caused to the applicant by not giving him a notice before implementing the orders of

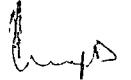


the Tribunal dated 14.10.1993. The earlier promotion was in violation of the Recruitment Rules and by holding a Review D.P.C., the respondents only have corrected the mistake made earlier and this action has been upheld by the Jabalpur Bench of the Tribunal. There is absolutely no reason for us to take any other view or to intervene in the matter.

5. We, therefore, dismiss this O.A. as having no merits. No orders as to costs.


(J.K.Kaushik)

Judl. Member


(A.P.Nagrath)

Adm. Member

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