

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

Date of Decision: 30.4.2001

OA 420/99

1. All India Telecom Employees Union (Group-III) through its Secretary Shri K.L.Sharma, Jaipur District Telecom Branch, Divisional Office, 14-B, Sen Colony, Power House Road, Jaipur.

2. Shri Bimal Kishore Pareek, Chief Telephone Supervisor O/o SDE Trunks, Jaipur.

... Applicants

Versus

1. Union of India through Secretary, Ministry of Communication, Deptt. of Telecommunication, Sanchar Bhawan, New Delhi.

2. Chief General Manager 'Telecom', Rajasthan Telecom Circle, Near Govt. Press, Jaipur.

3. The Principal General Manager Telecom District, Opp. GPO, M.I. Road, Jaipur.

... Respondents

CORAM:

HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER

HON'BLE MR.A.P.NAGRATH, ADMINISTRATIVE MEMBER

For the Applicants ... Mr.P.V.Calla

For the Respondents ... Mr.V.S.Gurjar

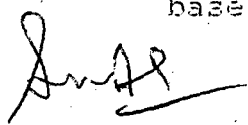
O R D E R

PER HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER

In this OA filed u/s 19 of the Administrative Tribunals Act, 1985, the applicants make a prayer to restrain the respondents from cancelling the promotion orders in respect of the applicants, by which the applicants were promoted on the post of Chief Telephone Supervisor in the pay scale of Rs.2000+3200 (Revised Rs.6500-10500).

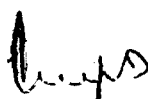
2. Reply was filed. In the reply it is stated that applicants have come on the basis of apprehension of reversion. Therefore, this OA be dismissed at this stage.

3. Learned counsel for the applicants has argued that in other cases of similar nature, applicants have been reversed by the department. Therefore, his apprehension is not baseless.

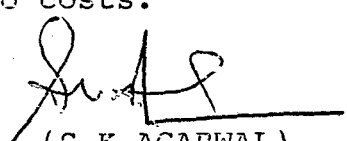


4. It is settled law that any adverse order, if it entails civil consequences, should have been issued only after following the principle of audi alteram partem i.e. after giving an opportunity of hearing/show-cause to the affected person. Therefore, in view of settled legal position, at this stage we can only say that in case any adverse order is passed by the department, principle of natural justice must have been followed.

5. We, therefore, dispose of this OA with the direction to the respondents that in case any adverse order regarding reversion of the applicants is issued, the same shall be issued only after following the principle of audi alteram partem and due process of law. No order as to costs.


(A.P.NAGRATH)

MEMBER (A)


(S.K.AGARWAL)

MEMBER (J)