

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

* * *

Date of Decision: 23.1.2001

OA 86/2000

S.M.Jain, Chief Telephone Supervisor, Trunk Exchange, Sawai Madhopur.

... Applicant

Versus

1. Union of India through Secretary, Department of Telecom, Sanchar Bhawan, Sansad Marg, New Delhi.
2. Chief General Manager, Telecommunications, Rajasthan Circle, Jaipur.
3. General Manager Telecom District, Ajmer.
4. Telecom District Manager, Sawai Madhopur.

... Respondents

CORAM:

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

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

For the Applicant ... Mr.P.N.Jati

For the Respondents ... Mr.Hemant Gupta, proxy
counsel for Mr.M.Rafiq

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, applicant makes a prayer to quash and set aside the impugned order dated 21.2.2000 (Ann.A/1) and the order dated 30.12.99 (Ann.A/8).

2. By the impugned order dated 21.2.2000 the applicant has been reverted from the post of Chief Telephone Supervisor Grade-IV to the substantive post of Telephone Operating Assistant Grade-III, alongwith others.

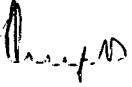
3. It is undisputed fact that the impugned order dated 21.2.2000 (Ann.A/1) was issued without following the principles of natural justice i.e. without issuing any show-cause notice or an opportunity of hearing given to the applicant. Therefore, the impugned order is not only illegal but appears to have been issued in violation of the principles of natural justice and is liable to be quashed accordingly.

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4. The learned counsel for the applicant has given reference to the decision of OA 131/2000, Ram Raksh Pal Singh Chauhan V/s Union of India and Others, decided on 31.10.2000, and stated that the present case is squarely covered by the order passed in the aforesaid OA. Learned counsel for the respondents also admits that the facts of the present case are squarely covered by the decision in OA 131/2000 on 31.10.2000.

5. In view of the facts and circumstances of this case and settled legal position, the order dated 21.2.2000 (Ann.A/1) is liable to be quashed.

6. We, therefore, allow this OA and quash and set aside the impugned order dated 21.2.2000 (Ann.A/1) qua the applicant only. The respondent department shall be at liberty to pass an appropriate order after following the due process of law and principles of natural justice and affording an opportunity of hearing to the applicant. No order as to costs.


(A.P.NAGRATH)

MEMBER (A)


(S.K.AGARWAL)

MEMBER (J)