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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of order: 19.12.2000

OA No.123/2000

Ram Pratap Meena s/o Shri Harnanda Ram Meena presently working as Chief Telephone Supervisor in the office of the Principal General Manager, Jaipur

.. Applicant

Versus

1. Union of India through the Secretary to the Govt. of India, Department of Telecom, Sanchaṛ Bhawan, New Delhi.
2. The Chief General Manager, Telecom Rajasthan Circle, Jaipur-8
3. Principal General Manager, Opp. Jaipur General Post Office, M.I.Road, Jaipur

.. Respondents

OA No.125/2000

K.S.Joshi s/o Shri Radha Mohan Joshi presently working as Chief Telephone Supervisor in the office of the S.D.O.T., Bandikui, Distt. Dausa

.. Applicant

Versus

1. Union of India through the Secretary to the Govt. of India, Department of Telecom, Sanchaṛ Bhawan, New Delhi.
2. The Chief General Manager, Telecom Rajasthan Circle, Jaipur-8
3. Principal General Manager, Telecom District, Jaipur
4. Sub Divisional Officer Telephone, Bandikui

.. Respondents

Mr. P.N.Jati, counsel for the applicants

Mr.N.C.Goyal, counsel for the respondents

CORAM:

Hon'ble Mr.A.K.Mishra, Judicial Member

Hon'ble Mr. N.P.Nawani, Administrative Member

Order

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Per Hon'ble Mr. A.K.Mishra, Judicial Member

The applicant in OA No.123/2000 has filed this Original Applications with the prayer that the impugned order dated 7/8th March, 2000 (Ann.A1) passed by the Sub Divisional Engineer (Staff) be quashed whereby the applicant was ordered to be reverted. The above order was stayed by interim order dated 23.3.2000.

2. It is alleged by the applicant that while he was working in Grade-JV he was ordered to be reverted to Grade-III by the impugned order. He was promoted to Grade-IV w.e.f. 30.1.1995 and since then he has been working on that post in the grade. However, suddenly without affording any opportunity of hearing the impugned order was passed which is against the law. No opportunity of hearing was provided to the applicant and he was not called up to explain as to why he be not reverted.

3. Applicant in OA No. 125/2000 has prayed that the impugned order dated 7/8th March, 2000 passed by Sub Divisional Engineer (Staff) reverting the applicant and few others from Grade-IV to Grade-III be quashed. It is alleged by the applicant that he was promoted to the higher post way back in February, 1995 and since then he has been working on that post. The impugned order has been passed without any reason and without affording any opportunity to the applicant. Consequently the order reverting the applicant is bad in law.

4. Notices of both the cases were given to the respondents who have filed their reply.

5. It is alleged by the respondents that the applicants were wrongly promoted and consequently after directions were received from the higher authorities, the action was taken as per law and the reversion of the applicants to the original post is justified.

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The OAs are devoid of any merit and deserve to be dismissed.

6. Heard the learned counsel for the parties and have gone through the case files. Previously, in many other cases arisen in similar circumstances, it was held by the Tribunal that ordering the applicant to be reverted to the lower post without affording them an opportunity of hearing is bad in law and it is difficult to sustain.

7. In the instant case, it is borne out from the record that no opportunity of hearing was afforded to the applicants in the OAs. Thus, principles of natural justice have not been followed. In our opinion, a reasonable opportunity of hearing should have been provided to the applicants before the Department concluded that their promotions were wrong. Applicants were working on the promotional posts since 1995 and almost 5 years the Department thought that promotion was not in accordance with rules, therefore, all the more necessary for the Department was to have heard the applicants before passing any such order. Since the impugned order reverting the applicants to the lower post has been passed without affording them an opportunity of hearing, therefore, the orders deserve to be quashed. However, the Department can be given liberty to pass appropriate orders after affording the applicants an opportunity of hearing. Both the OAs, therefore, deserve to be accepted and the impugned orders deserve to be quashed.

8. The OAs are, therefore, accepted and the impugned order dated 7/8 March, 2000 Memo No.ST-4/36/KW/99-2000/32 (Ann.Al in OA No.123/2000) and impugned order dated 7/8 March, 2000 Memo No.ST-4/36/KW/99-2000/33 (Ann.Al in OA No.125/2000) are hereby quashed and set-aside. However, the respondents are given liberty to pass appropriate orders as per rules and law after giving them an

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opportunity of hearing to the applicants by following the principles of natural justice.

9. Parties are left to bear their own costs.



(N.P.NAWANI)

Adm. Member



(A.K.MISHRA)

Jud. Member