

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

* * *

Date of Decision: 10.4.2001

OA 219/2000

M.P.Meena, Chief Technical Supervisor O/o SDO Phones, Dausa.

... Applicant

Versus

1. Union of India through Secretary, Department of Telecom, Sanchar Bhawan, New Delhi.
2. Chief General Manager, Telecom Rajasthan Circle, Jaipur.
3. Principal General Manager, Telecom Distt., Jaipur.

... Respondents

CORAM:

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

HON'BLE MR.N.P.NAWANI, ADMINISTRATIVE MEMBER

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

For the Respondents ... Mr.Hemant Gupta, proxy counsel
for Mr.Manu Bhargava

O R D E R

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

In this OA filed u/s 19 of the Administrative Tribunal Act, 1985, applicant makes a prayer to quash and set aside the impugned order dated 25.4.2000 (Ann.A/1).

2. In brief, case of the applicant is that he was promoted on the recommendation of the DPC but vide order dated 25.4.2000 (Ann.A/1) the applicant was reverted without giving any show-cause notice/opportunity of hearing to him. Therefore, it is stated that the impugned order is bad in law and liable to be quashed and set aside.


3. Reply was filed. It is admitted in the reply that the applicant was approved by the DPC for promotion and thereafter the applicant was promoted to Grade-IV in the pay scale of Rs.2000-3200 but in the reply it is stated that promotion of the applicant later on was found not according to law in view of the order passed by the Central Administrative Tribunal, Ahmedabad Bench, which was upheld by the Hon'ble Gujarat High Court. Therefore, the impugned order of reversion was issued.

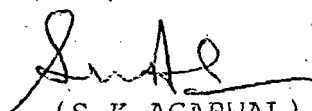
4. Heard the learned counsel for the parties and also perused the whole record.

5. The learned counsel for the applicant has urged that this Tribunal in OA 93/2000, R.K. Verma V's Union of India, decided on 30.6.2000, settled the similar controversy and held that reversion of the applicant without following the principles of natural justice is arbitrary, illegal and unjustified. Therefore, the same was quashed. The ratio-disendi in the instant case also appears the same.

6. Admittedly, the applicant in this case was promoted by the DPC constituted for this purpose but he was reverted without affording an opportunity of hearing show-cause. Therefore, there was a gross violation of the principles of natural justice in reverting the applicant and in view of the violation of the principles of natural justice in this case, we are of the considered view that the impugned order of reversion dated 25.4.2000 (Ann.A/1) is liable to be quashed and set aside.

7. We, therefore, allow this OA and quash and set aside the impugned order dated 25.4.2000 (Ann.A/1). The respondent department will be at liberty to pass an appropriate order after giving an opportunity of hearing show-cause to the applicant. No order as to costs.


(N.P. NAWANI)
MEMBER (A)


(S.K. AGARWAL)
MEMBER (J)