

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 295 of 2000

Jabalpur, this the 19th day of February, 2004

Hon'ble Mr. M.P. Singh, Vice Chairman
Hon'ble Mr. G. Shanthappa, Judicial Member

Jagdamba Bux Singh,
aged about 44 years,
S/o Late Shri G.B. Singh
House No. 603/1, Sanmati
Nagar, Adhartal, Jabalpur.

APPLICANT

(By Advocate - Shri S. Paul)
VERSUS

1. Union of India
through Secretary,
Department of Post,
New Delhi.
2. The Director, General
Department of Post,
Oak Shawan, Sansad Marg
New Delhi.
3. The Chief Post Master General,
Bhopal.
4. The Deputy Director Accounts
(Postal), Bhopal, Distt.
Bhopal.

(By Advocate - Shri Shajid Akhtar holding brief
Shri B. da. Silva)

O R D E R (ORAL)

By M.P. Singh, Vice Chairman -

By filing this OA, the applicant has sought main
reliefs :-

- (ii) Set aside the impugned order dt. 2/14-3-2000
Annexure-A-1.
- (iii) Direct the respondents to provide all
consequential benefits to the applicant as
if the impugned order dt. 2/14-3-2000
is never issued.

2. The brief facts of the case are that the applicant
was working as APM Accounts at Jabalpur, M.P. Circle
-after
Bhopal. There/the applicant has been promoted on
regular basis as Junior Accounts Officer (JAO) vide
order dated 28.10.1999 (Annexure-A-3), By this order
the respondents have promoted 3 officers namely S.K.
Shrivastava, PA, Gwalior Division, Shri N.K. Gupta,
PA, Indore City Division and the applicant, who was

working as the APM Accounts Jabalpur. The respondents have issued order dated 2/13.3.2000(Annexure-A-1) by which the applicant has been reverted from the post of Junior Accounts Officer.to APM Jabalpur. Therefore, the applicant has approached this Tribunal by filing the present OA. The Tribunal vide order dated 7.4.2000 has granted interim relief to the applicant by staying the operation of order of reversion. It is not in dispute that Mr. S.K. Gupta PA, Indore City Division did not accept the promotion to the post of Junior Accounts Officer. It is also not in dispute that only one Shri K.C. Shrotiya is being reverted to the post of Junior Accounts Officer from his deputation post. There were 2 available vacant posts of JAO on refusal of promotion by Shri N.K. Gupta and Shri S.K. Shrivastava. This fact has been admitted by the respondents in their reply. Even after reversion of Shri K.C. Shrotiya from deputation one more post ^{will still} be available and there is _{no need} for the reversion of the applicant. However, the respondents have issued the order of reversion of the applicant without giving any opportunity of hearing. The applicant has been appointed to the post of JAO against over-all deputation vacancies and not against the post which was released by Shri Shrotiya while going on deputation.

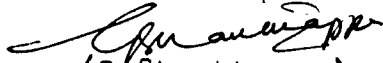
3. Heard the learned counsel for the parties and perused the records.

4. We are of the considered view that the respondents ought to have adjusted the applicant to the post of JAO against one available vacancy. Instead of this, they have issued the order of reversion, which is illegal and unsustainable in the eye of law. Therefore, we allow this OA and set aside the order dated 2/13.3.2000(Annexure-A-1) and direct the respondents to consider and adjust

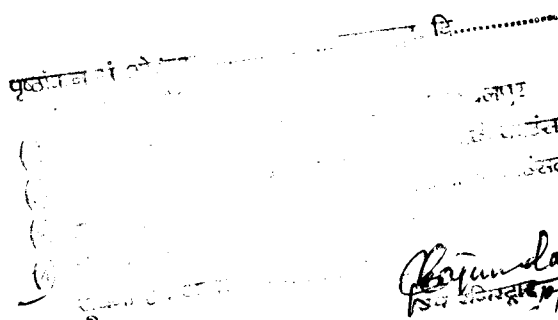
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the applicant against ^{one} available ~~one~~ post of JAO in the department within a period of 2 months from the date of receipt of copy of this order. The interim order passed earlier is made absolute. No costs.


(G. Shanthappa)
Judicial Member


(M.P. Singh)
Vice Chairman


SKM
S. Paul.
D. Danbar
B. Gundar

Issued.
10-3-04