

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET

ORDERS OF THE TRIBUNAL


4.11.2008


OA 228/2007 with MA 38/2008

Mr. Ankur Rastogi, counsel for applicant.
Mr. Hemant Mathur, counsel for respondents.

Heard learned counsel for the parties. The
OA stands disposed of by a separate order.

In view of the order passed in the OA, no
order is required to be passed in MA 38/2008.
The MA shall also stand disposed of accordingly.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 4th day of November, 2008

ORIGINAL APPLICATION NO.228/2007

CORAM :

HON'BLE MR.M.L.CHAUHAN, JUDICIAL MEMBER
HON'BLE MR.B.L.KHATRI, ADMINISTRATIVE MEMBER

Asim Kumar Chatterjee,
UDC in the O/o Dy.Director General,
Geological Survey of India,
Western Region, Jhalana Doongri,
Jaipur.

... Applicant

(By Advocate : Shri Ankur Rastogi)

Versus

1. The Director General,
Geological Survey of India,
27, J.L.Nehru Road,
Kolkata.
2. Administrative Officer Gr-I,
Geological Survey of India,
Western Region,
15-16, Jhalana Doongri,
Jaipur.
3. Dy.Director General,
Geological Survey of India,
Western Region,
15-16, Jhalana Doongri,
Jaipur.

... Respondents

(By Advocate : Shri Hemant Mathur)

ORDER (ORAL)

PER HON'BLE MR.M.L.CHAUHAN

The applicant has filed this OA against the
impugned order dated 3.7.2007 (Ann.A/1), whereby he

was reverted to the post of UDC w.e.f. 30.4.2003 to 31.5.2004 and was deemed to be UDC w.e.f. 1.6.2004.


2. Grievance of the applicant is that he was duly promoted as UDC w.e.f. 30.4.2003 against Examination Quota-2002. As such, it was not permissible for the respondents to revert the applicant vide impugned order and that too without giving any show-cause notice.


3. Notice of this OA was given to the respondents, who have filed their reply. In the reply, the respondents have stated that the order of reversion and pay fixation of the applicant was due to revision of seniority of UDCs and on the recommendation of the review DPC. It is further stated that on recommendation of the review DPC one Shri Ram Gopal Meena, Assistant, was reverted to the post of UDC for the period w.e.f. 1.9.2000 to 31.5.2004. It is further stated that the applicant was promoted as UDC w.e.f. 30.4.2003 due to vacancy occurred after promotion of Shri Ram Gopal Meena to the post of Assistant and when he was reverted for the period 1.9.2000 to 31.5.2004 as UDC, no vacancy was available for that period in Examination Quota, therefore, the applicant was reverted for that period as LDC. The stand taken by the respondents is not controverted by the applicant.

4. We have heard learned counsel for the parties. In view of the specific stand taken by the respondents that the applicant was promoted against the vacancy which had fallen vacant on account of promotion of Shri Ram Gopal Meena and that said Shri Ram Gopal Meena was reverted to the post of UDC w.e.f. 1.9.2000 to 31.5.2004 and the vacancy of UDC again fallen vacant on account of promotion of Shri Ram Gopal Meena as Assistant w.e.f. 1.6.2004, we see no infirmity in the action of the respondents in passing the impugned order. Accordingly, we are of the view that the applicant has not made out any case for interference by this Tribunal.

5. Learned counsel for the applicant, however, shown apprehension that the respondents may recover the excess amount for the period 1.9.2000 to 31.5.2004 when the applicant had worked on the post of UDC, as such a direction may be given to the respondents not to recover the excess amount for the aforesaid period. We see considerable force in the submission made by learned counsel for the applicant. Since the applicant has worked on the post of UDC w.e.f. 30.4.2003 to 31.5.2004, as such, it ^{is not legally} permissible for the respondents to recover the excess amount for the aforesaid period. However, it will be permissible for the respondents to refix the pay of the applicant.

6. With these observations, the OA stands disposed of. No order as to costs.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

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