

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NO.170/01017/2016

DATED THIS THE 10TH DAY OF OCTOBER, 2017

HON'BLE DR. K.B. SURESH, MEMBER(J)

HON'BLE SHRI P.K. PRADHAN, MEMBER(A)

1.Ganapathi K.Naik
S/o Krishna Naik,
Aged about 35 years,
Working as Weapon fitter,
At NSRY, Karwar
Naval Base, Karwar-581 308.
Residing at :
Post:Chendia 581324.
Karwar.

2.Manoj P.Mudgekar,
Aged about 35 years,
S/o Pandurang S. Mudgekar,
Working as Weapon fitter,
At NSRY, Karwar
Naval Base, Karwar-581 308.
Residing at :
PV.Mudaga,
TK.Karwar: 581 324.

3.Chandrakant Chimanu Harikantra,
Aged about 37 years,
S/o Chimanu Rukudya Harikantra,
Working as Weapon fitter,
At NSRY, Naval Base,
Karwar-581 308.
Residing at :
Behind Head Post Office,
Karwar: 581 301.

...Applicants

(By Advocate Shri P. Kamalesan)

Vs.

1. Union of India,
Reptd. by Secretary,

Ministry of Defence (Navy)
New Delhi – 110 001.

2. The Flag Officer
Commanding in Chief,
Head Quarters,
Western Naval Command,
Sahid Bhagath Singh Marg,
Mumbai-400 001.

3. The Flag Officer,
Commending – HQ
Karnataka Naval Area,
Naval Base,
Karwar-581 308.

4. The Commander Superintendent,
Naval Ship Repair Yard,
Naval Base,
Karwar-581 308.

...Respondents.

(By Shri K.Gajendra Vasu, Sr. Panel Counsel)

O R D E R (ORAL)

HON'BLE DR K.B. SURESH, MEMBER(J)

1. Heard. Apparently in this case the applicant who had been promoted as HSK Grade II from Weapon Fitter in 2009. He was promoted retrospectively by an order dated 2015 and without issuing a show cause notice or hearing any of them, he was reverted in the year 2016. Challenging this the applicant is before us. Both sides agree that this is exactly similar to the issue in OA.No.992/2016 which was disposed of vide order dated 22.8.2017. Apparently, we have found in that said OA, the principle covered were exactly similar to OA.No.1003/2016 also. Therefore, the reversion order cannot lie for the simple reason that the applicant was not heard before passing an order

against it. The reversion order is, therefore, quashed. Applicant will be continuing in the same position and eligible for the same post. At the same time it is made clear that the respondents can issue show cause notice and only after hearing can pass appropriate order under law.

2. OA is disposed of as above. No order as to costs.

(P.K. PRADHAN)
MEMBER(A)

(DR. K.B. SURESH)
MEMBER(J)

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Annexures referred to by the applicant in OA No. 170/01017/2016

Annexure-A1: Copy of appointment letter vide memo No.CS(II)/257/NSRY/TM/Weapon fitter, issued by HQ, Western Naval Command, Mumbai- 400 001. dated 28.7.2008.

Annexure-A2: Copy of Government of India, Ministry of Defence, Memo No.11(5) 2009-D, Civ-1) dated 14.06.2010

Annexure-A3: Copy of Memo No.CP/NG/3008/DCP/ENC dated 25.06.2012 issued by Integrated HQ, Ministry of Defence(Navy), Directorate of Civilian Personnel , New Delhi 110 001.

Annexure-A4: Copy of letter No.CS/4200/FOK/Rest dated 8.6.2015 issued by HQ, Karnataka Naval Area, Naval Base, Karwar 581 308.

Annexure-A5: Copy of sanctioned strength of Naval Base, Karwar as on 14.6.2010.

Annexure-A6: Copy of letter No. NSRY/F&A/0232/CEO/Rest, Naval Ship Repair yard, Naval Base, Karwar dated 29.6.2015

Annexure-A7: Copy of Seniority list of Industrial employees from skilled to highly skilled Naval Ship Repair Yard, Karwar.

Annexure-A8: Copy of Draft Seniority list published by HQ , Karnataka Naval Base, Karwar vide letter No. CS/1300/FOK/E-SEN/TM (HSK II dated 19.6.2016

Annexure A9:Copy of representation Applicant No.I dated 7.9.2016.

Annexure A10:Copy of Naval Ship Repair yard, Naval Base, Karwar 581 308 letter No. NRY/P&A/0232/CEd/Rest, dated 28.10.2016.

Annexure-A11: Copy of letter No. CS/11/2577/Restructre/Karwar dated 27.10.2016 issued by HQ, Western Naval Command, Mumbai- 400 001. dated 28.7.2008.

Annexure-A12:Copy of representation dated 2.11.2016.