

(3)

Central Administrative Tribunal, Principal Bench

Original Application No. 3108 of 2003

New Delhi, this the 12th day of January, 2004

**Hon'ble Mr. Justice V.S. Aggarwal, Chairman
Hon'ble Mr. S.K. Naik, Member (A)**

Brij Lal,
S/o Shri Hukum Chand,
R/o Vill: Choma, PO: Palam Vihar,
Gurgaon, Haryana

....Applicant

(By Advocate: Shri U. Srivastava)

Versus

Union of India, through

1. The Comptroller and Auditor General of India,
Bahadur Shah Jafar Marg,
New Delhi

2. The Director General of Audit,
Central Revenues, New Delhi

3. The Dy. Director (Admn.)
O/o the Director General of Audit,
Central Revenues, New Delhi.

4. Shri B.S. Azad

5. Ms. Raby Kharbanda
(The respondent Nos. 4&5 may be served
notice through respondent No. 3)Respondents

O R D E R (ORAL)

By Justice V.S. Aggarwal, Chairman

The applicant was engaged as Group 'D' Stenographer in September, 1989. He was promoted as Stenographer Grade II in April, 2000. A memo was issued to him in the shape of a show cause notice that a mistake had occurred and, therefore, he had to be reverted. The applicant represented. On consideration of the same, it is asserted that he has since been reverted.

2. The applicant was promoted to the post of Stenographer Grade II vide order of 7.4.2000 in accordance

MS Ag

with the relevant rules and instructions on the subject and subsequently a memo had been issued in terms of the instructions dated 31.12.87. According to the applicant, the said order so passed reverting him, is illegal.

3. We are not dwelling into this controversy because in O.A.163/2003 decided on 2.1.2004, a similar question had come up for consideration before this Tribunal where a similar argument was advanced. We find that the promotion so made is erroneous and once a mistake is being corrected, there is no ground for this Tribunal to interfere. It was further held that Rule 6 of the rules applicable to the applicant gives the power to authorities to relax the conditions and there would be no automatic relaxation in this regard. The said petition had been dismissed.

4. On parity of reasoning, therefore, we find that the present application must fail and accordingly is dismissed in limine.

Naik
(S.K. Naik)
Member (A)

Ag
(V.S. Aggarwal)
Chairman

/dkm/