

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.8841 of 2010

P. Suresh Kumar

.....

Petitioner

Mr. B.S. Tripathy, Advocate

Vs.

Union of India & Ors.

.....

Opposite parties

Mr. B.S. Rayguru, CGC

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

26.04.2022

Order No.

5

This matter is taken up through hybrid mode.

2. Heard Mr. B.S. Tripathy, learned counsel for the petitioner and Mr. B.S. Rayguru, learned Central Government Counsel for the opposite parties.

3. The petitioner has filed this writ petition to quash the order dated 25.11.2008 passed in O.A. No.71 of 2008, by which the Central Administrative Tribunal, Cuttack Bench, Cuttack has quashed the order of reversion dated 14.01.2008 and held that the petitioner is entitled to the benefits of continuity in service, without consequential benefits, and left the matter to the opposite parties to take such action as they consider proper in the case of the petitioner in accordance with law.

4. The said order dated 25.11.2008 passed in O.A. No.71 of 2008 was challenged by the opposite parties before this Court by filing W.P.(C) No.5517 of 2009, in which the petitioner was the opposite party. This Court, after hearing the parties, vide judgment dated 11.09.2009, came to a

conclusion to the following effect:

*“..... The Tribunal was therefore, justified in holding that reversion of O.P. No.1 without a notice amounts to violation of principles of natural justice. The apex Court in the case of **K.I. Shephard v. Union of India & others**, reported in AIR 1988 SC 686 took such a view which has been followed by the Tribunal in the impugned order.*

6. For the reasons stated above, we find no infirmity in the order of the Tribunal and accordingly decline to interfere with the same. The writ application being devoid of merit is dismissed.”

5. In that view of the matter, the tribunal is justified in holding that reversion of the petitioner without a notice amounts to violation of principles of natural justice. The apex Court in the case of K.I. Shephard v. Union of India, AIR 1988 SC 686 took such a view which has been followed by the tribunal in the impugned order. Therefore, this Court does not find any infirmity in the order dated 25.11.2008 passed by the tribunal in O.A. No.71 of 2008 so as to interfere with the same.

6. So far as the claim made by the petitioner for continuity of service with consequential benefit is concerned, as the order of the tribunal has been confirmed in the earlier W.P.(C) No.5517 of 2009, this Court is not inclined to modify the same nor pass any order.

7. Accordingly, the writ petition is disposed of.

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(**DR. B.R. SARANGI**)
JUDGE

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(**SAVITRI RATHO**)
JUDGE



Alok/Puspa

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(**DR. B.R. SARANGI**)
JUDGE

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(**SAVITRI RATHO**)
JUDGE

