

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH**

**ORIGINAL APPLICATION NOS 55, 56 & 57 OF 2020**

**DISTRICT : RATNAGIRI**

**1) ORIGINAL APPLICATION NO. 55 OF 2020**

Shri Ganpat Barku Udeg, )  
Junior Clerk, Chiplun Division, )  
R/at Government Quarters, Markandi, )  
Jui Bldg, Room No. 1, Tal-Chiplun, )  
Dist-Ratnagiri 415 605. )...**Applicant**

**Versus**

1. The Chief Engineer, )  
P.W.D Region, Marzaban Road, )  
Near C.S.T, Mumbai. )  
2. The Superintending Engineer, )  
P.W.D Circle, Ratnagiri, )  
Jai Stamb, Ratnagiri. )...**Respondents**

**2) ORIGINAL APPLICATION NO. 56 OF 2020**

Mr Jeevan M Khanzode )...**Applicants**  
Versus  
The Chief Engineer & Ors )...**Respondents**

**3) ORIGINAL APPLICATION NO. 57 OF 2020**

Mr Vijay B. Waghmare )...**Applicants**

Versus

The Chief Engineer & Ors )...**Respondents**

Shri K.R Jagdale, learned advocate for the Applicants.

Ms Archana B.K, learned Presenting Officer for the Respondents.

**CORAM : Justice Mridula Bhatkar (Chairperson)**

**Mrs Medha Gadgil (Member) (A)**

**DATE : 22.12.2021**

**PER : Mrs Medha Gadgil (Member) (A)**

**J U D G M E N T**

1. These Original Applications are disposed of by this common order since the issues involved is the same.

2. The applicants pray that the impugned order of reversion dated 19.12.2019 issued by Respondent no. 2 be quashed and set aside, with all consequential service benefits.

3. The applicants were initially appointed as Chowkidar, Group-D by order dated 14.2.1991 and later on they were promoted to the post of Junior Clerk on. However, by separate orders dated 19.12.2019, the applicants were reverted to the post of Chowkidar, Group-D, without giving show cause notice.

4. It is necessary to refer to Proviso (2) of Article 311 of the Constitution of India, which reads as under:-

“(2) No such person as aforesaid shall be dismissed or removed or reduced in rank except after an enquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.”

5. On our query, the learned P.O has confirmed that no show cause notice was issued to the applicants. She further produced letter from the Superintending Engineer, P.W.D, Ratnagiri, wherein it is stated that no show cause notice was issued to the applicants before reverting them.

6. In view of the fact that no show cause notice was issued to the applicants, the orders of reversion dated 19.12.2019 are illegal and they are contrary to the provisions of Article 311 (2) of the Constitution of India. The orders of reversion dated 19.12.2019 is hereby quashed and set aside.

7. The Original Applications are allowed with no order as to costs.

**Sd/-**  
**(Medha Gadgil)**  
**Member (A)**

**Sd/-**  
**(Mridula Bhatkar, J.)**  
**Chairperson**

**Place : Mumbai**  
**Date : 22.12.2021**  
**Dictation taken by : A.K. Nair.**