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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. OA 305
T.A. No.

1986.

DATE OF DECISION 12th May, 1986.

Shri Mahabir Singh Premi, Petitioner

Shri G. D. Bhandari, Advocate for the Petitioner(s)

Versus

Union of India and others, Respondent

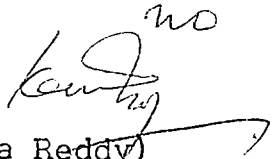
Shri K. N. B. Pillai, Advocate for the Respondent(s)

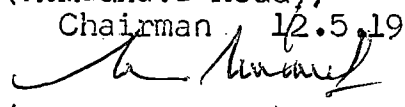
CORAM :

The Hon'ble Mr. Justice K. Madhava Reddy, Chairman.

The Hon'ble Mr. Kaushal Kumar, Member.

1. Whether Reporters of local papers may be allowed to see the Judgement? yes
2. To be referred to the Reporter or not? no
3. Whether their Lordships wish to see the fair copy of the Judgement? no
4. Whether to be circulated to all Benches? no


(K. Madhava Reddy)
Chairman 12.5.1986.


(Kaushal Kumar)
Member 12.5.1986.

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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
DELHI.

Regn. No. OA 305/1986 Dated the 12th May, 1986.

Shri Mahabir Singh Premi Petitioner.

Versus

Union of India & Others Respondents.

CORAM:

Shri Justice K. Madhava Reddy, Chairman.

Shri Kaushal Kumar, Member.

For petitioner ... Shri G.D. Bhandari, Advocate.

For respondents ... Shri K.N.R. Pillai, Advocate.

(Judgment of the Bench delivered by Shri
Justice K. Madhava Reddy, Chairman).

Aggrieved by the order No. CI/Confdl/86 dated 8.3.1986 issued by the SS/SRE, Northern Railway directing him to work as Caution Order ASM, the petitioner herein, who is an Assistant Station Master in the grade of Rs. 455-700 (RS) has filed this petition under Section 19 of the Administrative Tribunals Act, 1985 (hereinafter referred to as "The Act"). According to the petitioner this constitutes a reduction in rank and grade. The petitioner states that the post of Caution Order ASM, is in the grade of Rs. 330-560 (initial grade) and the post of ASM in the grade of Rs. 455-700 (RS) is a selection post to which he was promoted after passing the prescribed test and acquiring the requisite experience. He cannot be now asked to work in the lower grade of Rs. 330-560. In the view we are taking, we do not wish to enter into the merits of the petitioner's claim. Assuming that this order constitutes a reduction in rank and amounts to a punishment and has been passed by a person who is not competent in this behalf, that

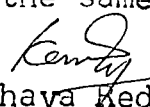
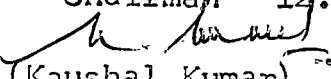
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order is appealable. The Divisional Operating Superintendent is the Appellate Authority. The petitioner has not availed of this statutory appeal provided to him under the Service Rules. The petitioner has stated in paragraph 14 of his application that he sought a personal interview with the Divisional Operating Superintendent and explained to him the factual position and submitted a representation on 24.3.1986 but he refused to accept the same. The representation is filed as Annexure-J. That representation does not constitute an appeal. There is not one word in it as to why the impugned order is illegal, irregular or improper or should be set aside. The petitioner merely represented that the order is causing great hardship to him and he may be kept as SRE or in the alternative transferred nearer to his home town.

2. The petitioner may yet file a regular appeal as provided under the Rules. There is yet time for filing such an appeal. So far as this Tribunal is concerned, unless, as provided under Section 20, the petitioner exhausts all the remedies available to him under the relevant service Rules as to redressal of his grievance, it cannot entertain an application under Section 19 of the Act unless there are exceptional circumstances. There are none in this case and the petitioner has not exhausted the statutory remedy of an appeal. This petition is dismissed only on the short ground that he has not exhausted the statutory remedy of appeal. We, however, direct that the respondents shall entertain the appeal, if any, filed by him within a month and dispose off the same on merits.


(K. Madhava Reddy)
Chairman 12.5.86.

(Kaushal Kumar)
Member 12.5.86.