

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 1625
T.A. No.

198 7.

DATE OF DECISION November 16, 1987.

Shri Amrik Singh, Petitioner

Shri J.C.Singhal, Advocate for the Petitioner(s)

Versus

Union of India & another. Respondent s.

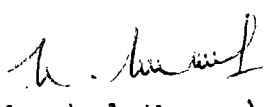
Advocate for the Respondent(s)

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 other Benches ? *No*


(Kaushal Kumar)
Member

16.11.1987.


(K.Madhava Reddy)
Chairman

16.11.1987.

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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: DELHI

REGN. No. OA 1625/87

November 16, 1987

Shri Amrik Singh ... Applicant
Vs.

Union of India & Another ... Respondents

CORAM:

Hon'ble Mr. Justice K. Madhava Reddy, Chairman.
Hon'ble Mr. Kaushal Kumar, Member

For the applicant ... Shri J.C. Singhal, counse

(Judgment of the Bench delivered by Hon'ble
Mr. Justice K. Madhava Reddy, Chairman)

This is an application under Section 19 of the Administrative Tribunals Act, 1985 calling in question the order of reversion made on 27.10.1987 (Annexure AI) reverting the applicant who was officiating as Superintendent in the 'G' Branch as Assistant Superintendent and posted as such in the same Branch. This order is made with a view to give effect to the judgment of this Tribunal dated 31.7.1987 in T.A.No. 762/85 (C.W.2643/81) Surinder Singh & Others Vs. Union of India & Others. By that judgment, his seniority in 'G' Branch was revised. That judgment of the Tribunal has become final. Apprehending that he would be reverted, the applicant made a representation on 10/12-10-1987 (Annexure A-2) to the General Manager, Northern Railway, Baroda House, New Delhi, inter alia seeking that he may be continued to work as Superintendent even by creating supernumerary

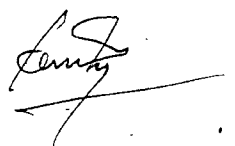
K. J.

post under G.M.'s special powers or with Railway Board's approval, and alternatively he may be sent back to his parent Medical Branch where he still holds lien and where persons junior to him are said to be working as Superintendent. Even while this representation was under consideration, the impugned order was issued.

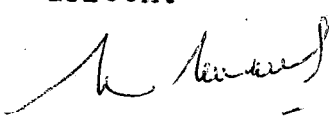
We do not wish to go into the merits of this order at this stage. The representation made by the applicant is pending before the respondents. It is always open to respondents to allow him to continue to work as Superintendent, if necessary by creating a supernumerary post in accordance with law. That is an administrative matter left to the discretion of the competent Railway authority on which we do not wish to express any opinion.


As orders of the Tribunal stand, perhaps the respondents had no alternative but to revert him unless they thought fit to retain him by creating a supernumerary post.

So far as his alternative claim that he should be transferred to the Medical Branch is concerned, that again is a matter which is under consideration of the respondents. The impugned order does not deal with this question. In these circumstances, we do hope that respondents will dispose of the representation of the



applicant expeditiously. If the request made in the applicant's representation is acceded to, this application would become infructuous. As the representation made by the applicant is pending consideration of the respondents and the same may either be granted or rejected, this application is deemed to be premature. An application under Section 19 of the Act would not be ordinarily entertained when there is an alternative remedy by way of appeal or representation to the competent authority. Such a representation made by the applicant himself as recently as 10.10.1987 covers the same points as are now made in this application against the order dated 27.10.1987. The respondents are, therefore, directed to dispose of the representation within a period of four weeks from today. This application is disposed of with the above direction. If the applicant is aggrieved by any order made on his representation, anything said herein will not preclude the applicant from moving the Tribunal afresh.


(Kaushal Kumar)
Member
16.11.1987


(K. Madhava Reddy)
Chairman
16.11.1987