

5-7-1990.

Present: Shri Jasraj, Counsel for the applicant.
Shri S.N. Sikka, Counsel for the respondents.

The learned counsel for the respondents seeks two weeks time to file counter, which is allowed. He may do so with a copy to the learned counsel for the applicant, who may file rejoinder, if necessary, within two weeks thereafter. List the case before the Bench on 13.8.1990 as already fixed.

In the meantime, the interim order earlier passed shall continue till 13.8.1990.

I.K. Rasgotra
(I.K. Rasgotra)
Member (A)

T.S. Oberoi
(T.S. Oberoi)
Member (J)

*Counter filed on 10/8/90,
Rej not filed.*

13.8.1990

Present : Shri Jas Raj, counsel for the applicant.
Shri S.N. Sikka, counsel for the respondents.

This O.A. has been filed by the applicant with the prayer that he may not be reverted from the post of Chief Ticket Inspector, in the grade of Rs.2000-3200, to the lower post till the disposal of this application.

On filing of the application, notice were issued to the respondents, to file petition, if any, and in the meantime, the order to maintain status quo, was issued, vide ^{our} order dated 29.5.1990.

In the counter filed on behalf of the respondents, the order to maintain status quo, has been opposed, with the plea that impugned order dated 17.5.1990 (at page 17 of the paper book), a show cause notice was ordered to be issued to the applicant, and before submitting any reply, the applicant has chosen to come before this Tribunal by

way of this present O.A., and therefore, the same is not maintainable, being pre-mature, without any order of the competent authority, in this regard.

We have considered the position as urged by the applicant, and also as put-forth by the respondents, in the counter filed by them, as briefly referred to above.

The respondents having ordered to issue a show cause and the applicant not having filed any reply, but instead, ~~of~~ having filed the present OA, we find force in the plea of the respondents that the present OA is pre-mature, ^{as} departmental remedies ^{has} has not been availed of, in terms of the Section 20 of the Administrative Tribunals Act, 1985. We accordingly hold that the present OA is not maintainable, and, dismissed ~~the~~ the same being pre-mature. The applicant may submit his reply to the show cause notice referred to above and the department may proceed further in accordance with the law, on the subject. Needless to say that in the event the applicant still feels aggrieved with the final order passed by the department, he would be at liberty to seek appropriate remedy, by way of fresh O.A., if so advised. The present O.A. is disposed of, as above, without any order as to costs.

I.K. Rasgotra
(I.K. RASGOTRA)
MEMBER(A) 13/8/90

T.S. Oberoi
(T.S. OBEROI)
MEMBER(J) 13/8/90