

275

CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH,

JODHPUR.

O.A.No. 396/94

Date of Order : Sept. 19, 1995.

P.R. Nair

...

Applicant

Versus

Union of India & Others

...

Respondents.

Mr. S. N. Bohra

...

Counsel for the
Applicant.

CORAM :

Hon'ble Shri Gopal Krishna, Vice Chairman

Hon'ble Shri N. K. Verma, Administrative Member.

Per Hon'ble Shri Gopal Krishna :

Applicant P.R. Nair in this application under section 19 of the Administrative Tribunals Act, 1985 has challenged Annexure A/1 dated 20.2.95 by which he was directed to work as Goods Train Driver under the Loco Foreman Jodhpur in the grade of Rs.1350-2200 and the order dated 22.8.95 to the extent it adversely affects him by way of reversion or transfer. He has further prayed for confirmation and regularisation in the post of Power Controller scale Rs.2000-3200 with effect from November, 1991.

2. We have heard learned counsel for the applicant and have perused the record.

3. The petitioner was promoted to the post of Power Controller on adhoc basis in the grade of Rs.2000-3200 and the applicant had passed written test for the said post in 1993. The contention of the applicant is that the respondents in fact want to post Shri Chhotu Ram as Power Controller at Jodhpur by reverting the applicant to the post of Goods Train Driver. The learned counsel for the applicant contends that

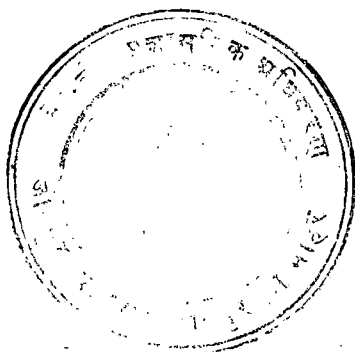
C.Krishna

-2-

since the applicant has been working as Power Controller, may be, on ad-hoc basis, he should not be reverted to a lower post. He has relied on ATR 1987 (2) 517 Mohini Mohan Dutta vs. Union of India & others. It is noteworthy that the applicant has not exhausted the statutory remedy of appeal provided in Rule 18 (v) (b) of the Railway Servants (Discipline & Appeal) Rules, 1968, before presenting this application in this Tribunal. We find that this application is premature and as such liable to be dismissed at this stage. However, if the applicant prefers an appeal in terms of the provisions contained in the Rule 18 of the Railway Servants (Discipline & Appeal) Rules, 1968, the same shall be entertained by the Appellate Authority and decided on merits through a speaking order. If the applicant is aggrieved by the decision taken by the Appellate Authority on his appeal he shall be free to file a fresh O.A. Subject to the directions given above this application is dismissed as being premature.

N.K.V.
(N.K. VERMA)
Administrative Member

G.Krishna
(GOPAL KRISHNA)
Vice Chairman.




Recd copy
/Jm
2/9/95

Copy of Judgment
dt. 19.9.95 to City of
LA with Annexes sent
to R-1 to R-6 by
Regd Post with
No 5306 535
date 04-10-95

apd
26.9.95

Part II and III destroyed
in my presence on 21.11.2001
under the supervision of
section officer (J) as per
order dated 4.9.2002


Section officer (Record)