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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH,
J O D H P U R

Date of order: 05.12.1995

O.A. No. 502/1995

PURSHOTAM SINGH

.....Applicant

vs.

UNION OF INDIA AND ORS.

.....Respondents

MR. R.C. Gaur, Counsel for the applicant.

C O R A M

THE HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN
THE HON'BLE MS. USHA SEN, ADMINISTRATIVE MEMBER

PER HON'BLE MS. USHA SEN, ADMINISTRATIVE MEMBER :

Heard Shri R.C. Gaur, learned counsel for the applicant.

2. The applicant is aggrieved by the order dated 18.10.1995 at Annex.A-1-A, by which he has been reverted from the post of Senior Fireman-I to the post of Fireman-I. The reversion has been done as a result of revision of the applicant's seniority based on the clarification issued by the General Manager, Northern Railway dated 5.9.1995 at Annex.A-1-B.

3. It is seen that the applicant has not made any representation/appeal against the impugned order dated 18.10.1995. In terms of Section 20 of the Administrative Tribunals Act, 1985, no application should ordinarily be admitted unless the applicant has availed himself of all the remedies available to him under the relevant service rules as to the redressal of his grievance.

.2.

Rule 18 of the Railway Servants (Discipline and Appeal) Rules, 1968 provides that an appeal can be made against an order of reversion. The applicant has not made any appeal in terms of this provision. As such, the application is pre-mature. The learned counsel for the applicant has referred to 1990(3)SLJ(CAT)544=Full Bench Judgments, 2334, A.Padmavally and Others Vs. C.P.W.D. and Telecom in support of his contention that if the act complained of is arbitrary as being violative of the provisions contained in Article 14 of the Constitution and similar benefits have already been extended to persons similarly situated, there should be no insistence on exhausting the departmental remedies. He has also referred to 1982(1)SLJ 673, I.Ramesh Ao V. The State of Nagaland and others. The facts and circumstances of the cases referred to above are different from the facts of the present case. We do not find any exceptional ground for dispensing with the requirements of Section 20 of the Administrative Tribunals Act, 1985. If the applicant makes a representation/an appeal to the concerned authority in regard to his grievance within fifteen days of the date of this order, the same shall be decided within three months of its receipt through a detailed reasoned order as per rules. If the applicant is aggrieved by any decision taken on the representation/appeal, he shall be at liberty to file a fresh O.A. This application stands disposed of accordingly at the stage of admission.

Ush. N.
(Usha Sen)
Member(A)

C.K.W.
(Gopal Krishna)
Vice Chairman

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