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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

JODHPUR BENCH

Date of Order 5.12.95.

O.A. No. 503/95.

Tahir Hussain

...Applicant.

Vs.

Union of India and others.

...Respondents.

CORAM: HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN.

HON'BLE MS. USHA SEN, ADMINISTRATIVE MEMBER.

For the applicant - Mr. R.C. Gaur, advocate.

O R D E R (ORAL)

(Hon'ble Mr. Gopal Krishna, Vice Chairman)

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Applicant, Tahir Hussain, in this Application under Section 19 of the Administrative Tribunals Act, 1985 (for short the Act), has challenged the impugned order dated 18.10.1995 at Annexure A-1/A by which he was reverted from the post of Senior Fireman-I, scale Rs.1200-2040 to that of Fireman-I, scale Rs. 950-1500. The reversion order was passed due to revision of the applicant's seniority based on the clarification issued by the General Manager, Northern Railway vide Annexure A-1-B, dated 5.9.95.

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

3. Admittedly, the applicant has not made any representation/appeal against the impugned order dated 18.10.95. As envisaged by Section 20 of the Act, no <sup>Civil</sup> Application should, ordinarily, be admitted unless the

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applicant has availed of all the remedies available to him under the Service Rules as to the redressal of his grievance. Rule 18 of the Railway Servants (Discipline & Appeal) Rules, 1968, provides that an appeal can be made against an order of reversion. Since the applicant has not made an appeal/representation in terms of the provisions referred to above, the present Application is premature. The learned counsel for the applicant has cited 1990(3) SLJ (CAT) 544 - A. Padmavalley & 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 Vs. The State of Nagaland & others. But the facts and circumstances of the cases cited supra 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 Act. If the applicant makes a representation/an appeal to the concerned authority in regard to his grievance within 15 days of the date of this order, the same shall be decided within three months of its receipt through a detailed and 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 OA. This Application stands disposed of accordingly at the stage of admission.

  
( USHA SEN )  
ADMINISTRATIVE MEMBER

  
( GOPAL KRISHNA )  
VICE CHAIRMAN

"MS"