

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
 JODHPUR BENCH,
JODHPUR.

Date of Order: 24.5.95.

O.A. No. 57/95.

Handary Solman ... Applicant.

Versus.

Union of India & Ors. ... Respondents.

Mr. J.K.Kaushik- Counsel for the applicant.

Mr. S.S.Vyas- Counsel for the respondents.

CORAM:

Hon'ble Mr. N.K.Verma-Administrative Member.

Hon'ble Mr. Rattan Prakash- Judl. Member.

PER HON'BLE MR. N.K.VERMA :

Heard learned counsel for both the parties.

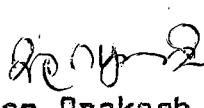
2- Shri J.K.Kaushik has come up with this O.A. against the reversion of the applicant from his promotion to Fitter Grade-I to Grade-III. This reversion has been ordered without a show cause notice and adopting the prescribed procedure under the Railway Rules. He also prays for an interim order staying the operation of the reversion order.

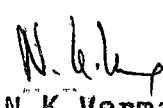
3- Learned counsel for the respondents Shri Vyas on the other hand, submits that the applicant was reverted from his officiating post in Grade-I to his substantive post in Grade-III.

In any case the applicant had to exhaust the remedy of representation against the said reversion to the competent authority. He has opposed the admission of this case and grant of interim order on that ground.

4- Shri Kaushik, reiterating his earlier stand says that there is no remedy available in the rules against such reversion. The Rule 18 of the Railway (Discipline and Appeal) Rule, 1968, does not cover such action of the Disciplinary/Controlling Authority and hence under such circumstances he would like to invoke the extraordinary powers of this Tribunal in staying the operation of the reversion order as also admitting the case for adjudication.

5- We have given a careful consideration to the arguments of both the parties. We find that the applicant has yet to exhaust the available remedies through the administrative machinery by way of a formal representation against the order of reversion. The question of selection of the applicant to Fitter Grade-I & his subsequent reversion order at Annex.A/2 can be the subject matter of the representation. The O.A. is dismissed at this stage as pre-mature.


(Rattan Prakash)
Member (J)


(N.K.Verma)
Member (A)

V.S.

Part II and III destroyed
in my presence on 26/11/2000
under the supervision of
section officer (J) as per
order dated 6/9/2000.

Section officer (Record)

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