

Date of Decision: 12.01.1998.

OA 61/97

Puran Chand, Mate c/o P.W.I.(Construction), Northern Railway, Luni Distt., Jodhpur.

... Applicant

Versus

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
2. Chief Engineer (Construction), West Kashmiri Gate, Delhi.
3. Dy.Chief Engineer (Construction), Northern Railway, Jodhpur.
4. Divisional Superintending Engineer (Construction), Northern Railway, Jodhpur.

... Respondents

CORAM:

HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

HON'BLE MR.GOPAL SINGH, ADMINISTRATIVE MEMBER

For the Applicant

... None

For the Respondents

... Mr.S.S.Vyas

O R D E R

PER HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

Applicant, Puran Chand, in this application under Section 19 of the Administrative Tribunals Act, 1985, has assailed the impugned order, at Annexure A-1, dated 6.2.97, by which the applicant was reverted to the post of Gangman in the scale Rs.775-1025.

2. None is present for the applicant even in the second round. We have heard Mr.S.S.Vyas, counsel for the respondents, and have carefully perused the records.

3. It is contended by the applicant that it is unjust to revert him to the post of Gangman after he has completed about 15 years of service on the post of Mate. The respondents, on the other hand, have stated that when screening was conducted by the Jodhpur Division to fill up short fall of Scheduled Caste/Scheduled Tribe candidates, the applicant was also screened and he was declared fit for regularisation in Group-D post and, therefore, he was rightly posted on a Group-D post. It is stated by the respondents that the applicant served as Mate on ad hoc basis. The applicant has challenged his reversion from the post of mate to that of Gangman. He should have preferred an appeal to the concerned authority before approaching this Tribunal, as envisaged by Rule-18 of the Railway Servants (Discipline & Appeal) Rules, 1968. The present application is, therefore, premature. However, if the applicant makes an appeal to the appropriate appellate

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authority within a month of this order, the same shall be disposed of on merits through a speaking order meeting all the points raised therein within a month of the receipt thereof. If the applicant is aggrieved by any decision taken on the appeal, he shall be at liberty to file a fresh application. The OA stands disposed of accordingly, at the stage of admission, with no order as to costs.

*Gopal Singh*  
(GOPAL SINGH)

ADM. MEMBER

VK

*Gopal Krishna*  
(GOPAL KRISHNA)  
VICE CHAIRMAN

Recd  
20.1.98

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Part II and III destroyed  
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a police officer as per  
G.O. dated 22/12/2003  
23/3/04  
Station Officer (Records)