

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH, JODHPUR.

O.A. No. : 140/1998

Date of Order : 12.6.1998

1. Hari Krishan, T.T.E., NR. Railway at Hanumangarh (Bikaner Divin.)
2. Rameshwar Kachhwaha, T.T.E., Northern Railway at Bikaner.
3. Mishri Babu, T.T.E., Northern Railway at Bikaner.
4. Mohmad Yunus, T.T.E., NR. Railway at Bikaner.

..Applicants.

Versus

1. Union of India through its General Manager, Northern Railway, Head Quarters, Baroda House, New Delhi.
2. The Divisional Railway Manager, Northern Railway, D.R.M. Officer, Bikaner.
3. The Divisional Personnel Officer, Northern Railway, D.R.M. Office, Bikaner.
4. The Divisional Commercial Manager, Northern Railway, D.R.M. Office, Bikaner.

..Respondents.

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Mr. S.N. Trivedi, Counsel for the applicants.

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

CORAM :

Hon'ble Mr. Gopal Singh, Administrative Member.

BY THE COURT :

Applicants, Hari Krishna, Rameshwar Kachhwaha, Mishri Babu and Mohmad Yunus have filed this application under section 19 of the Administrative Tribunals Act, 1985, praying for setting aside the operation of order dated 25.5.1998 (Annexure A/1) and for issuing a direction to the respondents not to revert the applicants from the post of T.T.E.. Applicants' case is that they have been working as Ticket Collector since October, 1983 on adhoc basis and thereafter they were promoted as T.T.E., grade Rs. 1200-2040 vide respondent's letter dated 24.8.1993 and since then, they have been discharging the duties of T.T.E. on adhoc basis. The respondents vide their letter dated 25.5.1998 (Annexure A/1) have sought to revert these applicants to the post of Class IV employee from which they were initially appointed as Ticket Collector on adhoc basis.

2. Learned counsel for the respondents says that the applicants have also filed other OAs in this Tribunal praying, by way of interim relief, for restraining the respondents from reverting them from the post of T.T.E. which they are holding on adhoc basis.

*Gopal Singh*

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3. I have heard the learned counsel for the parties and have perused the records of the case. Both the counsel have agreed for the disposal of the OA at the stage of admission. Learned counsel for the respondents have asserted that in terms of Rule 18(V)(b), an employee who is sought to be reverted otherwise than a measure of penalty can submit an appeal in such cases. In the instant case, the applicants are sought to be reverted by order dated 25.5.1998. Apparently, they have not filed any appeal as provided under the rules. It is the contention of the applicants that Railway Servants' (Disciplinary and Appeal) Rules, 1968, do not apply to them. Learned counsel for the applicants cited the following cases in support of his case :-

1. 84 SCC (Supp) 212, Smt. P.K. Narayani Vs. State of Kerla.
2. 1990 13 (ATC) 212, Jetha Nand Vs. Union of India & Ors.

4. In the circumstances, I consider it just and proper to direct the applicants to submit an appeal within one month of this order in terms of Rule 18 (V) (b) against the order of reversion and the same should be considered and decided by the respondents by a speaking order within three months from the date of issue of this order. The OA is accordingly disposed of with no order as to costs.

*Gopal Singh*  
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MEMER (A)

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