

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 2.3.95. (6)

OA 576/90

DAL CHAND GAUR ... APPLICANT.

v/s.

UNION OF INDIA & ANR. ... RESPONDENTS.

CORAM:

HON'BLE MR. GOPAL KRISHNA, MEMBER (J).  
HON'BLE MR. O.P. SHARMA, MEMBER (A).

For the Applicant ... SHRI P.V. CALLA.

For the Respondents ... SHRI MANISH BHANDARI.

PER HON'BLE MR. GOPAL KRISHNA, MEMBER (J).

Applicant Dal Chand Gaur, in this application u/s 19 of the Administrative Tribunals Act, 1985, has challenged the order dated 6/7.11.90 (Annexure A-1), by which he was reverted from the post of Sr. Electrical Chargeman (LR) pay scale Rs.1600-2660 to the post of Electrical Chargeman pay scale Rs.1400-2300. The applicant has also prayed that in view of the Headquarter's letter dated 1.11.90 he be selected on the post of SEF/JSS pay scale Rs.2000-3200 if he is found eligible otherwise.

2. We have heard the learned counsel for the parties and have gone through the records of the case carefully.

3. The main thrust of the arguments of the learned counsel for the applicant is that before issuing the impugned order no notice was given to the applicant and the same was passed in disregard of the principles of natural justice. The learned counsel for the applicant has further stated that before approaching this Tribunal he had not preferred an appeal to the concerned appellate authority, as envisaged by Rule-18 of the Railway Servants (Discipline & Appeal) Rules, 1968. The applicant intends to prefer an appeal now.

4. In the circumstances, we dispose of this OA with the direction to the respondents to entertain applicant's appeal, if the same is preferred to the concerned appellate authority within one month from the date of this order. We further

(X)

direct that the appellate authority shall dispose of the appeal made by the applicant through a speaking order after affording an opportunity of hearing to the applicant within a period of three months from the date of its receipt. No order as to costs.

*G.P.*  
( O.P. SHARMA )  
MEMBER (A)

*G.K.*  
( GOPAL KRISHNA )  
MEMBER (J)

VK.