

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

DA 281/91.

Date of Order: 4-4-91.

Venkatanna Kondanna

....Applicant

Vs.

1. The General Manager,
South Central Railway,
Secunderabad.

2. Divisional Railway Manager (MG),
South Central Railway,
Secunderabad.

....Respondents

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Counsel for the Applicant : Shri S.Lakshma Reddy

Counsel for the Respondents : Shri D.Gopal Rao, SC for Rlys

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CORAM:

THE HON'BLE SHRI B.N.JAYASIMHA : VICE-CHAIRMAN

THE HON'BLE SHRI J.NARASIMHA MURTHY : MEMBER (J)

(Order of the Division Bench delivered by
Hon'ble Shri B.N.Jayasimha, Vice-Chairman)

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The applicant is a Goods Guard working under the control of the Divisional Railway Manager, (MG), South Central Railway, Secunderabad. He has filed this application aggrieved by the orders issued by the Divisional Railway Manager, (MG), South Central Railway, Secunderabad in his letter No.YP/536/P.11/3/Signallers dated 8-3-91 reverting ~~the applicant~~ ^{him} from the post of Goods Guard in the scale of pay Rs.1200-2040 to the Junior Signaller in the scale of Rs.975-1540. The applicant states that he belongs to SC community and he was initially appointed as a Pointsman at Dronachalam. He was promoted as Junior

6/5/91

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Signaller on 1-5-1979 and subsequently as Senior Signaller by an order dated 30-8-1988 with retrospective effect from 6-1-88. He has also been paid the arrears due to him. Respondents published seniority list dated 21-9-88 of Senior Signallars. Consequent on reduction in number of posts, respondents called for options on 24-5-88 for opting to the posts of Commercial Clerks, T.T.E./T.C.S., T.N.Cs. Guards and A.S.Ms. in view of ^{The} surrender of posts in Signalling Cadre. The applicant exercised his option to work as ^a Guard, and he was sent for training from 23-11-89 to 17-1-90 and having passed the same he was posted to work as Goods Guard by an order dt.9-10-90. But the Respondents without any notice to the applicant issued an order reverting him from the post of Goods Guard to the post of Junior Signaller and he questioned the same in OA 953/90. The O.A. was allowed on the ground that the order was issued in violation of principles of natural justice. He was issued a show cause notice in proceedings dated 7-1-1991 against the proposed reversion and the applicant submitted his explanation dt.16-2-1991. The Respondents thereafter passed impugned order dt.8-3-91 reverting him from the post of ^{Goods} Guard to that of Junior Signaller. It is this order that the applicant questioned in the present application.

2. The respondents in their counter stat~~em~~ent.

contd.....3..

To

1. The General Manager, S.C.Railway, Secunderabad.
2. The Divisional Railway Manager (MG)
S.C.Railway, Secunderabad.
3. One copy to Mr.S.Lakshma Reddy, Advocate CAT.Hyd.Bench-
4. One copy to Mr.D.Gopal Rao SC for Rlys, CAT.Hyd.
5. One copy to Hon'ble Mr.J.Narasimha Murty, Member(J)CAT.Hyd.
6. One sparecopy.

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that the order of reversion is proper, but also state that applicant has an alternative remedy by way of submitting an appeal against the impugned order and the applicant without availing of that remedy has rushed to the Court.

3. We have heard Shri S.Lakshma Reddy, learned counsel for the applicant and Shri D.Gopal Rao, learned standing counsel for the Respondents, Railway. Shri Gopal Rao contends that the application is premature as against the order of reversion, the applicant has an alternative remedy of preferring an appeal, which he has not availed himself. Shri Lakshma Reddy on the other hand contends that as the appellate authority has no power to suspend the order of reversion, the applicant had no option but to approach the Tribunal. On a consideration of these submissions, we are of the view that the applicant should exhaust the remedy available to him and the application is premature. However, we direct that the applicant will be permitted to prefer an appeal within 15 days from the date of receipt of this order and the same shall be disposed-of by the Respondents expeditiously. Until the disposal of the appeal, the applicant shall be continued as Goods Guard. Application is disposed-of with the above direction and there will be no order as to costs.

B.N. Jayasimha
(B.N. JAYASIMHA)
Vice-Chairman

M.S.
(J.N. MURTHY)
Member (J)

Dated: 4th April, 1991.
Dictated in Open Court

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[Signature]
10/4/91
By Deputy Registrar (Juo)

2010

(6)
TYPED BY

COMPALED

CHECKED BY *sm*
10/4/91

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD

THE HON'BLE MR. B. N. JAYASIMHA: V.C.
AND

THE HON'BLE MR. D. SURYA RAO: M(J)
AND

THE HON'BLE MR. J. NARASIMHA MURTHY: M(J)
AND

THE HON'BLE MR. R. BALASUBRAMANIAN: M(A)

DATED: 4-2-1991. ✓

ORDER / JUDGMENT. ✓

M.A./R.L./C.A. No.

in

T.A. No.

W.P. No.

O.A. No. 281/91

Admitted and Interim directions
issued.

Allowed.

Disposed of with direction. ✓

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

M.A. Ordered/Rejected.

No order as to costs.

10/4/91
Central Administrative Tribunal

DESPATCH

11 APR 1991

HYDERABAD BENCH.