

(3)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Date of Order 24.5.95.

O.A. No. 419/94.

Chittar Mal

.....Applicant.

Vs.

Union of India & others

.....Respondents.

CORAM: HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN.
HON'BLE MR. O.P. SHARMA, ADMINISTRATIVE MEMBER.

For the Applicant - Mr. V.S. Sharma, advocate.
For the respondents - Mr. K.N. Shrinani, advocate.

O R D E R (ORAL)

(Hon'ble Mr. Gopal Krishna, Vice Chairman)

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Applicant, Chittar Mal, has filed this Application under Section 19 of the Administrative Tribunals Act, 1985 assailing the impugned order of reversion dated 11.5.94. The applicant has also claimed regularisation in the post of Ballast Checker (BCR).

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

3. After a careful perusal of the pleadings of the parties and the documents annexed thereto, we find that before approaching this Tribunal no appeal in regard to the impugned order was preferred to the concerned appellate authority as provided by Rule 18 of the Railway Servants (Discipline & Appeal) Rules, 1968 (for short the Rules). The relevant part of Rule 18 of the Rules reads as follows:-

"Subject to the provisions of Rule 17, a Railway servant may prefer an appeal against all or any of the following orders, namely -

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(v) an order -

(b) reverting him while officiating in a higher service, grade or post to a lower service, grade or post, otherwise than as a penalty."

4. In these circumstances, we are of the view that this Application is premature and is liable to be dismissed as such at the stage of admission. However, if the applicant prefers an appeal against the impugned order to the concerned appellate authority within a fortnight from today, the same shall be heard and disposed of by him on merits through a speaking order within a period of two months from the date of receipt thereof. If the applicant has already preferred a representation against the impugned order, the same shall be treated as an appeal filed by him and shall be disposed of in accordance with the directions given above within the aforesaid period. The stay order stands discharged.

5. This Application stands disposed of accordingly with no order as to costs.

(J. P. SHARMA)
ADMINISTRATIVE MEMBER

(GOPAL KRISHNA)
VICE CHAIRMAN

'MS'