IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 14.2.95.

OA 533/94

GAJANAND ... APPLICANT.

V/s.

UNION OF INDIA & ORS. ... RESPONDENTS.

CORAM:

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

For the Applicant ... SHRI V.S. SHARMA.

For the Respondents ... NONE.

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

Applicant Gajanand has filed this application u/s 19 of the Administrative Tribunals Act, 1985, praying for setting aside the impugned order dated 19.7.94, by which the applicant was reverted from the post of Junior Clerk to that of Gangman. The applicant has also prayed for regularisation in the post of Junior Clerk.

2. We have heard the learned counsel for the applicant. Notices regarding admission were issued to the respondents and a reply has already been filed on their behalf. Shri V.K. Varshney, Law Assistant, departmental representative has appeared on behalf of the respondents. We have heard him also.

3. The main contention of the applicant is that in spite of the fact that he was promoted to the post of Junior Clerk on ad hoc basis, he had appeared in the tests held for selection by the Railway Selection Board for his regular promotion/appointment to the post of Junior Clerk and he had also cleared the written examination of the selection test held in February, 1993 but in spite of this he has been reverted to the post of Senior Gangman after a long spell of more than 10 years. The order of reversion is assailed as being arbitrary.

4. After a carefully perusal of the pleadings of the parties and the documents annexed thereto, we find that before approaching

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this Tribunal no appeal in regard to the impugned order was preferred to the 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;"

5. In these circumstances, we are of the view that the present application is premature and it 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 with 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.

6. Subject to the direction given above, this application stands dismissed with no order as to costs.

(O.P. SHARMA)
MEMBER (A)

(GOPAL KRISHNA)
MEMBER (J)