

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A.No.645/94

Dt. of order: 16.12.1994

Iswar Singh

: Applicant

Vs.

Union of India & Ors.

: Respondents

Mr. Shanwar Bagri

: Counsel for applicant.

CORAM:

Hon'ble Mr. Gopal Krishna, Member (Judl.)

Hon'ble Mr. O.P. Sharma, Member (Adm.)

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

Applicant Iswar Singh has in this application under Sec.19 of the Administrative Tribunals Act, 1985, prayed that the impugned order Annex.A1 by which he was reverted from the post of Property Assistant scale Rs.1400-2600 in the Door Darshan Kendra, Jaipur to that of Tailor scale Rs.1200-1800, may be set aside.

2. We have heard the learned counsel for the applicant and have perused the record. The applicant's case is that he is a member of the Scheduled Caste. He was appointed as a Tailor in the month of May 1975. While serving as Tailor, he was asked to assist the Ward Robe/Property Section in addition to his duties. Thereafter, he was asked to look after the work of Property Assistant in addition to his normal duties. Since he fulfilled the educational qualifications required for the post of Property Assistant, his case was considered and he was promoted as Property Assistant on ad hoc basis vide order dated 6/7.11.1987 in the pay scale Rs.1400-2600 w.e.f. 6.11.87. The learned counsel for the applicant contends that since the applicant has been holding the post of Property Assistant and his regularisation in the post was recommended by the Sr. Administrative Officer, his services in the post of Property Assistant should have been regularised. The action of the respondents in reverting him to the post of Tailor has been assailed as being arbitrary and unreasonable, violating the provisions contained in Articles 14, 16 and 335 of the Constitution. It is true that the applicant has not preferred any appeal to the concerned authority against the impugned order of reversion as envisaged by Rule 23(iv)(b) of the CCS (CCA) Rules, which reads as follows:

W

"23. Orders against which appeal lies.

Subject to the provisions of Rule 22, a Government servant may prefer an appeal against all or any of the following orders, namely:

(i)

(ii)

(iii)....

(iv)

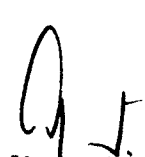
(v) an order -


(a)

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

The applicant should have exhausted the departmental remedies available to him under the service rules, before filing the present application.

3. In view of what has been stated above, the application is prematured and it is, therefore, liable to be dismissed. However, in case the applicant makes an appeal to the concerned Appellate Authority, within 2 weeks from today, the same shall be decided on merits through a speaking order meeting all the points raised therein, within a period of 2 months from the date of receipt of the appeal from the applicant. Subject to these directions, the application is dismissed as being prematured, at the admission stage. If the applicant is aggrieved by any decision taken by the Appellate Authority, he shall be at liberty to file a fresh O.A. if so advised.


(O.P. Sharma)
Member(A).


(Gopal Krishna)
Member(J).