

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 31.8.95

OA 391/95

Sudhir Gupta s/o Shri Mahesh Chand Gupta, UDC in the Regional Office for Health and Family Welfare, Rajasthan, K-10, Durgadas Path, Malviya Nagar, C-Scheme, Jaipur.

... APPLICANT.

VERSUS

Union of India and others

... RESPONDENTS.

CORAM:

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

HON'BLE MR. PATAI PRAKASH, MEMBER (J)

For the Applicant ... Mr. Rajendra Soni

For the Respondents ...

O R D E R

PER HON'BLE MR. O.P. SHARMA, MEMBER (A)

In this application u/s 19 of the Administrative Tribunals Act, 1985, Shri Sudhir Gupta has prayed that the order dated 25.8.95 (Ann.A-10), reverting the applicant from the post of UDC to that of LDC, be quashed and the respondents may be directed to pass order for regularisation of the applicant on the post of UDC on the basis of the DPC of the year 1990-91 or he may at least be regularised from 1.11.94, the date on which the DPC had selected the applicant for regular promotion on the post of UDC.

2. We have heard the learned counsel for the applicant and have gone through the material on record.

3. The applicant was working on the post of UDC on ad hoc basis. The learned counsel for the applicant stated that the DPC had already taken a decision that the applicant is entitled to be regularized and he has already put in more than three years service as UDC. Therefore, the order of reversion of the applicant is ex-facie illegal and deserves to be quashed. He has also stated that the applicant has also prayed for an interim direction in the form of stay of order Annexure A-10, by which the applicant has been reverted.

4. We find that Rule 23(v)(b) of the CCS (CCA) Rules, provides for an appeal even against an order reverting a government servant while officiating on a higher service, grade or post to a lower service, grade or post otherwise than as a penalty. Admittedly, the order of reversion is not as a measure of

penalty. The applicant is entitled to file an appeal against the order of reversion in accordance with the aforesaid provision. This alternative remedy available to the applicant has not been exhausted. Therefore, at this stage, this application is not maintainable.

5. In the circumstances, after hearing the learned counsel for the applicant, we direct that if the applicant prefers an appeal against the order of reversion within a period of 15 days from the date of receipt of a copy of this order, it shall be decided by the appellate authority within a period of 45 days from the date of receipt thereof, on merits. For the purpose of complying with these directions of the Tribunal, let a copy of this OA be sent alongwith a copy of this order to respondent No.2 i.e. Deputy Director (Administration), PH-II, Directorate General of Health Services, Nirman Bhawan, New Delhi-110011, so that he can instruct the appellate authority to take necessary action in this regard.

6. The OA stands disposed of according at the admission stage.


(BATAN PRAKASH)
MEMBER (J)


(O.P. SHARMA)
MEMBER (A)

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