

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDERS OF THE BENCH

Date of Order: 29.05.2015OA No. 291/00317/2015

Mr. Amit Mathur, counsel for applicant.

The order of reversion dated 13.05.2015 (Annexure A/1) passed by the respondent no. 3 is under challenge in this Original Application. A direction is also sought for permitting him to continue on the post of Trolleyman.

2. The applicant was initially appointed as Gangman on 23.05.2011 and was subsequently promoted after completion of three years service w.e.f. 03.09.2013 to the post of Trolleyman vide order dated 03.09.2014 (Annexure A/4). The impugned order dated 13.05.2015 (Annexure A/1) is an order whereby the applicant has been reverted to the post of Gangman.

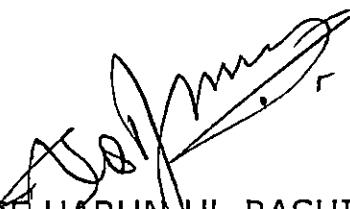
3. Rule 18 of the Railway Servants (Discipline & Appeal) Rules, 1968 provides that appeal lies against an order reverting an employee while officiating in a higher service, grade or post to a lower service, grade or post, otherwise than as a penalty.

4. In view of the said statutory provisions enabling the aggrieved employee to prefer an appeal before the

appellate authority, we are of the view that the present Original Application preferred is premature. The applicant is entitled under the law to prefer an appeal before the appropriate appellate authority in order to ventilate his grievances.

5. In the circumstances, the present Original Application is dismissed as premature by granting liberty to the applicant to prefer substantive O.A. in case he is aggrieved by the order so passed by the appellate authority. The applicant is granted permission to prefer an appeal before the appellate authority within a period of one month from today and in case the applicant prefer appeal as aforesaid, the appellate authority shall consider the appeal of the applicant and pass a reasoned and speaking order in accordance with the provisions of law within a period of three months from the date of filing of the appeal. In the interest of justice, the status quo as on today shall be maintained by the parties till the disposal of the appeal as aforesaid. There shall be no order as to costs.

Anil Kumar
(ANIL KUMAR)
ADMINISTRATIVE MEMBER


(JUSTICE HARUN-UL-RASHID)
JUDICIAL MEMBER