

Date of Decision: 13.8.1999

OA 392/99

1. Kailash Narain Meena, TTE, Ajmer.
2. Bhagwan Sahai Meena, TTE, Sikar.
3. Parmanand Verma, Sr.T.C, Alwar.
4. Subhash Chand Verma, Sr.TC, Jaipur.
5. Hari Shankar Rai, TTE, Sikar.
6. Naula Ram Verma, Sr.TC, Bandikui.
7. Bhag Chand son of Shri Ganesh Lal.

... Applicants

Versus

1. Union of India through General Manager, Western Railway, Church Gate, Mumbai.
2. Divisional Railway Manager, Western Railway, Jaipur.
3. Sr.Divisional Commercial Manager, Jaipur Division, Western Railway, Jaipur.

... Respondents

CORAM:

HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

HON'BLE MR.N.P.NAWANI, ADM.MEMBER

For the Applicants

... Mr.P.P.Mathur

For the Respondents

... _____

ORDER

PER HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

Applicants, named above, in this application under Section 19 of the Administrative Tribunals Act, 1985, have mainly challenged the order dated 3.8.99, by which they have been reverted from the posts of Senior Ticket Collector/Travelling Ticket Examiner to that of Ticket Collector.

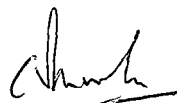
2. We have heard the learned counsel for the applicants.

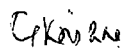
3. It is contended on behalf of the applicants that while issuing the order of reversion there was discrimination made between the applicants and others belonging to the general category, who have been allowed to continue on the posts of Senior Ticket Collector/Travelling Ticket Examiner on ad hoc basis. It is an admitted fact that the applicants and the persons of general category have been called to appear in a suitability test vide an

Cp Krishna

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order dated 19.7.99, at Annexure A-3. All the applicants, named above, have been reverted by the impugned order in spite of the fact that the vacancies still exist, for which a suitability test is going to be held shortly. Names of the applicants find place in the eligibility list with the persons who shall participate in the process of selection. The applicants apprehend that others may be appointed in their place on ad hoc basis pending selection. The applicants have filed this application without exhausting the statutory remedy of appeal provided by Rule-18(v)(b) of the Railway Servants (Discipline & Appeal) Rules, 1965. There are no exceptional grounds dispensing with the requirement of the aforesaid rule. Applicants may file an appeal before the concerned appellate authority and if the same is filed within a month of this order, the same shall be disposed of by the concerned appellate authority in accordance with rules within a period of two months of its receipt. With the observations made above, we find this application to be premature and it is disposed of accordingly.


(N.P.NAWANI)
ADM.MEMBER


(GOPAL KRISHNA)
VICE CHAIRMAN

VK