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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

* * *

Date of Decision: 04.07.2000

OA 279/2000

Sanjeev Mishra, Sr.Goods Guard, resident of 16, Model Town,
Civil Lines, Kota.

... Applicant

Versus

1. Union of India through General Manager, Western Railway,
Churchgate, Mumbai.
2. Divisional Railway Manager (E), Western Railway, Kota.
3. Ajaya Kumar Dixit, Goods Guard under Station Manager,
Western Railway, Kota Junction.

... Respondents

CORAM:

HON'BLE MR.JUSTICE B.S.RAIKOTE, VICE CHAIRMAN

HON'BLE MF.U.P.HAWANI, ADMINISTRATIVE MEMBER

For the Applicant

... Mr.V.P.Mishra

For the Respondents

O R D E R

PER HON'BLE MR.JUSTICE B.S.RAIKOTE, VICE CHAIRMAN


This application is filed with a prayer to restrain the respondents No.1 and 2 from revising the seniority of the private respondent No.3 viz-a-viz applicant vide impugned show-cause notice dated 4.5.2000 (Annexure A/1). There is a further prayer to quash the show-cause notice dated 4.5.2000 (Annexure A/1).


2. From the reading of the show-cause notice dated 4.5.2000, we find that the respondents No.1 and 2 have issued a notice as to why the seniority should not be changed by placing

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the private respondent at Sl.No.42A of the seniority list of Goods Guards. The learned counsel for the applicant stated that the applicant has already submitted his detailed reply to the said show-cause notice vide Annexure A/5 and the authorities may revise the seniority list against the interest of the applicant. But, in our view, as on today the authorities have not decided the matter one way or the other. The applicant has approached this Tribunal only with some apprehensions, may be true, may not be true. It is also not clear as to what would be the effect of revision of the seniority list, if any. In these circumstances, we find that this case is too premature. However, the learned counsel for the applicant has relied upon the judgement of Hon'ble the Supreme Court, reported at (1994) 27 ATC 368 (Prem Dass Adiwai v. Union of India and Others) contending that he can file an application for injunction before this Tribunal on the basis of threatened reversion. But after going through the said judgement we find that in that case the applicant had approached the Tribunal against the decision already taken and a formal order was to be communicated. But in this case no order has yet been passed on the representation made by the applicant. Therefore, we find that the said judgement of the Hon'ble Supreme Court is distinguishable from the facts of this case. Accordingly, we pass the order as under :-

The Original Application is dismissed as premature, at the stage of admission, without expressing any opinion on the merits of this case.


(N.P.NAWANI)
MEMBER (A)


(B.S.RAIKOTE)
VICE CHAIRMAN