

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 19th August, 2008

ORIGINATION APPLICATION NO. 313/2008

CORAM:

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER
HON'BLE MR. B.L. KHATRI, ADMINISTRATIVE MEMBER

Gokul Singh Meena son of Shri Sardar Mal Meena, aged about 52 years, resident of Village & Post Nayabas, Neema Ka Thana, District Sikar. Presently working as Office Superintendent Grade II, Office of Senior Material Manager (BGC) Carriage Store, North Western Railway, Ajmer Division, Ajmer.

.....APPLICANT

(By Advocate: Mr. C.B. Sharma)

VERSUS

1. Union of India through General Manager, North Western Zone, North Western Railway, Jaipur.
2. Chief Material Manager, North Western Railway, Ajmer Division, Ajmer.
3. Dy. Chief Material Manager, North Western Railway, Ajmer Division, Ajmer.
4. Senior Material Manager (BGC), Carriage Store, North Western Railway, Ajmer Division, Ajmer.

.....RESPONDENTS

(By Advocate: -----)

ORDER (ORAL)

The applicant has filed this OA thereby praying for the following relief:-



- "(i) that the entire record relating to the case be called for from the respondents and after perusing the same, respondents may be directed not to revert the applicant from the post of Office Superintendent Grade II, scale Rs.5500-9000, by quashing show cause notice dated 8.8.2008 (Annexure A/1) with all consequential benefits.
- (ii) That the respondents be further directed to hold good the select panel and promotion in respect of applicant as ordered vide letter dated 12.5.2004 (Annexure A/2) and allowed to hold the post of Office Superintendent Grade II scale Rs.5500-9000 with due pay and allowances allowed by the respondents.
- (iii) Any other order, direction or relief may be passed in favour of the applicant which may be deemed fit, just and proper under the facts and circumstances of the case.
- (iv) That the costs of this application may be awarded."


2. The grievance of the applicant in this case is that pursuant to the selection held by the respondents, he was given promotion in the pay scale of Rs.5500-9000/-. Now the respondents have given him a show cause notice whereby the applicant is being reverted in the lower grade on the premise that the vacancy worked out vide order dated 12.05.2004 against the cadre of Office Superintendent has been wrongly calculated so far as ST category is concerned.

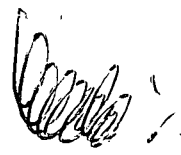
3. We are of the view that the present OA is premature as it is a settled law that OA cannot be entertained on the premises of show cause notice and it is open for the person concerned to ventilate his grievance before the Appropriate Authority and it is only after when the final order is passed, a person can approach this Tribunal for ventilating his grievance.

4. In view of the settled law that petition against show cause notice cannot be entertained, we are of the view that the present OA can be

disposed of at admission stage with direction to the applicant to approach before the Appropriate Authority and file his reply/representation to the show cause notice within a period of 15 days. In case the reply to the show cause notice is filed within 15 days, the respondents shall entertain the same and pass speaking & reasoned order. In case the respondent no. 3 came to the conclusion that the applicant is not entitled for any relief and his reply/representation to the show cause notice is required to be rejected, in that eventuality order to be so passed by the respondents shall not to be given effect to ^{for a period of 10} ~~within~~ ten days from the date of issuance of the order so that the applicant can approach this Tribunal for ventilating his grievance.

5. With these observations, the OA is disposed of at admission stage.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

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