

**THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR
ORDER SHEET**

APPLICATION NO.: _____

Applicant(s)

Respondent (s)

Advocate for Applicant (s)

Advocate for Respondent (s)

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

05.11.2008

OA No. 435/2008

OA 436/2008

Mr. C.B. Sharma, Counsel for applicant.

Heard learned counsel for the applicants.

For the reasons dictated separately, the OA is disposed of.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

AHQ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 05th November, 2008

CORAM:

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

1. ORIGINAL APPLICATION NO. 435/2008

Durga Lal Sen son of Shri Ratan Lal aged about 44 years, resident of 208 A, Quarter Type III, Railway Workshop Colony, Kota Junction and presently working as Office Superintendent Grade II, Wheel Shop (Wagon Repair Shop) under Chief Works Manager, West Central Railway, Kota Division, Kota.

.....APPLICANT

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

VERSUS

1. Union of India through General Manager, West Central Zone, West Central Railway, Jabalpur (M.P.).
2. Chief Personnel Officer (Administration), West Central Zone, West Central Railway, Jabalpur (M.P.).
3. Chief Works Manager, (Wagon Repair Workshop), West Central Railway, Kota Division, Kota.

.....RESPONDENTS

(By Advocate: -----)

2. ORIGINAL APPLICATION NO. 436/2008

Mohammed Azim son of Shri Mohd. Salim, aged about 47 years, resident of 247 D, Quarter Type III, Railway Workshop Colony, Kota Junction and presently working as Office Superintendent Grade II, General Section, under Chief Works Manager, (Wagon Repair Shop), West Central Railway, Kota Division, Kota.

.....APPLICANT

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

VERSUS

1. Union of India through General Manager, West Central Zone, West Central Railway, Jabalpur (M.P.).
2. Chief Personnel Officer (Administration), West Central Zone, West Central Railway, Jabalpur (M.P.).
3. Chief Works Manager, (Wagon Repair Workshop), West Central Railway, Kota Division, Kota.

.....**RESPONDENTS**

(By Advocate: -----)

ORDER (ORAL)

By this common order, we propose to dispose of both these OA as common question of facts & law is involved.

2. The applicants have filed these OAs thereby praying for the following reliefs:-

- (i) That the entire record relating to the case be called for and after perusing the same the respondents 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 13.10.2008 (Annexure A/1) with the letter dated 16.09.2008 (Annexure A/2) with all consequential benefits.
- (ii) That the respondents be further directed to hold good the panel dated 15.06.2004 (Annexure A/7) and further promotion order dated 28.06.2004 (Annexure A/8) and further order dated 19.07.2007 at Annexure A/9 and not to disturb the applicant from present position of post and pay and allowances.
- (iii) Any other order, direction or relief may be passed in favour of the applicants which may be deemed fit, just and proper under the facts and circumstances of the case.
- (iv) That the cost of this application may be awarded."

3. Briefly stated, facts of the case are that the applicants were promoted in the grade of Rs.5500-9000/- pursuant ~~upon~~ ^{to} their inclusion in the said grade vide order dated 28.06.2004 (Annexure A/8). Vide order dated 17.07.2008 (Annexure A/16), the respondents have decided to revert the applicants on the ground that their promotion has not been made in accordance with law in as much as reservation has not been made while making promotion in the year 2004.

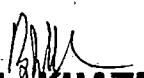
4. The applicants earlier have filed OA No.279/2008 before this Tribunal, which was decided at admission stage vide order dated 30.07.2008 with the direction to the respondents to pass fresh order after issuing show cause notice to the applicants. Pursuant to the order passed by this Tribunal, the respondents have issued show cause notice dated 13.10.2008 (Annexure A/1). It is this order which is challenged before this Tribunal.

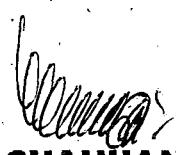
5. We have heard learned counsel for the parties. We are of the view that the present OAs cannot be entertained at this stage and are premature in as much as vide impugned ^{orders} only show cause notice has been issued to the applicants to file their reply/objection and no final order has been passed by the respondents so far. Learned counsel for the applicants submits show cause notice dated 13.10.2008 has been served in the last week of October, 2008 and reply to the show cause has not been filed.

6. In view of what has been stated above, we are of the view that it will be in the interest of justice if sometime is given to the applicants to file reply to the show cause notice. Accordingly, the applicants are directed to file reply to the show cause within ten days from today and

In that eventuality, the respondents will consider the reply so filed by the applicants and pass speaking & reasoned order. In case the order to be passed is adverse to the applicants, the same shall not be given effect to for a period of ten days from the date of receipt of the order.

7. With these observations, these OAs are disposed of with no order as to costs. It is, however, clarified that we have not gone into merit of the case and the OAs are being disposed of on the ground that the matter is premature and the respondents have not passed any final order.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

AHQ