

B

CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR

---

**ORDERS OF THE BENCH**

---

**Date of Order: 16.05.2012**

OA No. 328/2012

Mr. Ashok Joshi, counsel for applicants.

Heard learned counsel for the applicants.

O.A. is disposed of by a separate order on the separate sheets for the reasons recorded therein.

*Anil Kumar*  
(ANIL KUMAR)  
MEMBER (A)

*K.S. Rathore*  
(JUSTICE K.S. RATHORE)  
MEMBER (J)

Kumawat

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR**

ORIGINAL APPLICATION NO. 328/2012

**DATE OF ORDER:** 16.05.2012

**CORAM**

**HON'BLE MR. JUSTICE K.S. RATHORE, JUDICIAL MEMBER  
HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER**

1. Gopal Singh Chouhan S/o Shri Sohan Singh, aged 52 years, R/o Village & Post Chittawa Renwal, Tehsil Phagi, District Jaipur, C/o H.T.E. Office Jaipur Railway Station, Jaipur.
2. Mahesh Chandra Sharma S/o Shri Hari Om Sharma R/o Ganpati Nagar Railway Colony, Jaipur, C/o H.T.E. Office Jaipur Railway Station, Jaipur.

...Applicants

Mr. Ashok Joshi, counsel for applicants.

**VERSUS**

1. The Union of India through its General Manager, North-Western Railway, Headquarter Office, Jaipur.
2. The Divisional Rail Manager (Estt.), N.W.R., Jaipur.
3. Shri Dheerendra Singh S/o Shri Balveer Singh, C/o Office of Head T.E., Railway Station, Jaipur.

...Respondents

**ORDER (ORAL)**

The applicants have preferred the present Original Application claiming for the following reliefs: -

- “(i). The impugned order dated 13.3.2012 (Annexure-A/1) in so far it relates to the respondent no. 3 may kindly be declared as illegal and the same may be quashed and set aside and the Railway Administration may be directed to consider the case of the applicants in the Grade Pay Rs. 2400/-, which was given to the respondent No. 3 and the respondent No. 3 be adjusted at the bottom in the Grade Pay Rs. 1900/- as per the relevant circulars and Rules;



(ii). Any other appropriate order or direction, which is deemed just and proper by this Hon'ble Tribunal may also be passed in favour of the applicant.

(iii). The Original Application may kindly be allowed through-out with costs."

2. The main controversy involved in this Original Application is that on account of change of category of respondent no. 3 vide impugned order dated 13.03.2012 (Annex. A/1) to Ticket Checking Branch on the post of Senior Ticket Examiner by reversion from higher grade to lower grade i.e. 2400/- is per se illegal and contrary to the policy and the rules framed by the official respondents, and such reversion can only be made in exceptional or rare circumstances, and the General Manager is empowered to change the category to Ticket Checking Branch and the consent or approval of General Manager is necessary. Learned counsel appearing for the applicants submits that from bare perusal of the Annexure A/1 order dated 13.03.2012, it reveals that 'whether this order has been approved by the General Manager or not'. The applicants have also challenged this order on various grounds; and has referred Annexure A/3 letter dated 30.08.2007, which has been procured by the applicants under Right to Information Act, and also referred the circular Annexure A/4 dated 29.04.1999; and more particularly para 1304 of Indian Railway Establishment Manual, Volume-I, 1989 to show that the impugned order dated 13.03.2012 (Annex. A/1) has been passed by the official respondents contrary to this circulars issued by the official respondents.



3. Learned counsel appearing for the applicants further referred Annexure A/5 letter dated 29.12.1995 issued by the General Manager (E), Western Railway, Headquarter Office, Churchgate, Bombay, regarding change of category to Ticket Collectors, which stipulates as under: -

"It is noticed that of late there have been a number of requests from railway employees for change of category to Ticket collector even by seeking reversion from higher grades. The matter has been carefully considered by the board and it has been decided that generally change of category to Ticket Collector on request should not be allowed especially by reversion from higher grade to lower grade, except at the personal discretion of General Manager to be exercised in rare and exceptional circumstances."

4. Learned counsel for the applicants also submits that order dated 27.04.2012 (Annex. A/6) has been passed by the official respondents whereby certain persons on their requests have been absorbed on the post of Ticket Examiner in the grade of Rs. 1900/-. Learned counsel for the applicants further submits that if the respondent no. 3 would have been absorbed in the grade pay of Rs. 1900/-, the applicants may not have any objection.

5. We have thoroughly considered the submissions made on behalf of the applicants and also carefully gone through the documents annexed along with the OA.

6. Having considered the submissions made on behalf of the applicants and having considered the averments made in the OA, we are of the considered view that the applicants must have first represented before the official respondents raising all factual as




well as legal objections, which have been raised herein in this OA, and after exhausting the remedy of representing before the official respondents and if any prejudicial order is passed by the official respondents then only the applicants may approach this Tribunal.

7. Thus, the applicants are given liberty to represent before the respondents raising all the averments, just and legal objections, which have been taken herein in this OA, and the official respondents are directed to consider the same in the light of the circulars and rules issued by the official respondents and shall pass a reasoned and speaking order expeditiously but in any case not beyond the period of two months from the date of receiving the representation, if so filed by the applicants, along with this order.

8. If any prejudicial order against the interest of the applicants is passed by the official respondents, the applicants will be at liberty to challenge the same by way of filing the substantive Original Application.

9. With these observations and directions, the Original Application stands disposed of with no order as to costs.

  
(ANIL KUMAR)  
MEMBER (A)

  
(JUSTICE K.S. RATHORE)  
MEMBER (J)