

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION No.139/2020

Date of decision: 07.02.2020

CORAM:- R. VIJAYKUMAR, MEMBER (A) .
R.N. SINGH, MEMBER (J) .

Shri Hanmanta Timayya Mehtre
Age 62 Years, Retd. Technician
Gr.II/EPA (OSM) at Wadi Station of
Solapur Division on the Central
Railway. R/o Kolsa Line, Arudha Nagar,
at/Post Shahabad (PIN 585 225)
Distt. Gulbarga (Karnataka).

...Applicant.

(By Advocate Shri D. N. Karande)

VERSUS.

1. The Union of India, through
The General Manager,
Central Railway, 2nd Floor of
GM's Office Building, CSTM,
Mumbai 400 001.
2. Chief Personnel Officer,
Central Railway,
1st Floor of G.M.'s Office,
CSTM, Mumbai 400 001.
3. Divisional Railway Manager,
Central Railway,
Solapur Division,
Modi-Khana, Solapur-413 001.
4. Sr. Divisional Personnel Officer,
Central Railway,
DRM's Office,
Solapur 413 001.

...Respondents.

O R D E RPer: R.N. SINGH, Member (J)

1. When the case is called out, Shri D. N. Karande, learned counsel appeared for the applicant.
2. Heard him.
3. The applicant has filed the present OA under Section 19 of the Administrative Tribunals Act, 1985 to challenge the order no.07/2018 dated 08.03.2018 (Annexure A-1) vide which the various persons including the applicant have been redeployed without changing any of their service conditions.
4. The learned counsel for the applicant submits that the applicant was empaneled for promotion in the year 2016 vide order dated 11.07.2016 (Annexure A-2). The grievance of the applicant is that though he was empaneled for promotion, however, vide the aforesaid provisional order he has not been awarded promotion to the higher post and the respondents have surrendered promotional post and redeployed him to the post he was already holding before the aforesaid empanelement.
5. In the aforesaid facts, the applicant

has prayed for the following reliefs:

"(a) This Hon'ble tribunal may be pleased call for the record of the case and after examining the same, set aside and quash the Impugned Order (A-1).

(b) This Hon'ble Tribunal may further to direct the Respondents to promote the Applicant to the post of Tech.I EPA Gr.Rs.5200-20200 + 2800 GP/Level 5 with all Consequential benefits such refixation of pay and re-calculation of pension and pensionary benefits arising from such national promotion.

(c) This Hon'ble Tribunal may be pleased to grant such other and further reliefs as expedient in the interest of justice.

(d) The cost of the application may be awarded in the favour of the applicant."

6. The learned counsel for the applicant submits that for redressal of his grievance, raised in the present OA, the applicant has preferred a representation dated 03.04.2018 (Annexure A-4). However, the same has not been considered and disposed of by the respondents till date.

7. The learned counsel for the applicant further submits that the applicant shall be satisfied if the present OA is disposed of at this very stage with directions to the

respondents to consider the applicant's pending representation dated 03.04.2018 (Annexure A-4) and to dispose of the same in a time-bound manner.

8. We are of the considered view that if such request of the applicant is accepted, no prejudice is likely to be caused to the respondents.

9. In view of the aforesaid facts and circumstance, without going into merit of the claim of the applicant, the OA is disposed of with directions to the respondent no.3 to consider the applicant's aforesaid pending representation dated 03.04.2018 (Annexure A-4) and to dispose of the same as expeditiously as possible and in any case within ten weeks from the date of receipt of a certified copy of this order.

10. The OA is disposed of in the aforesaid terms. However, in the facts and circumstance, no order as to costs.

(R. N. Singh)
Member (J)

V.

(R. Vijaykumar)
Member (A)