

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH**

ORIGINAL APPLICATION NO.170/00361/2020

DATED THIS THE 15TH DAY OF SEPTEMBER, 2020

CORAM:

HON'BLE SHRI SURESH KUMAR MONGA, MEMBER (J)
(On video conference from Central Administrative Tribunal, Bangalore Bench, Bangalore)

HON'BLE SHRI RAKESH KUMAR GUPTA, MEMBER (A)
(On video conference from Central Administrative Tribunal, Bangalore Bench, Bangalore)

R. Mannu
S/o Sri S. Raman
Aged about 58 years
Ticket Examiner,
S.W. Railway,
Bengaluru

....Applicant

(By Advocate Shri K. Shiva Kumar - through video conference)

Vs.

1. Union of India,
Represented by General Manager,
S.W. Railway,
Gadag Road,
Hubballi 580 020

2. Senior Divisional Personnel Officer,
S.W. Railway,
Bengaluru 560 023

.....Respondents

ORDER (ORAL)**PER: SURESH KUMAR MONGA, MEMBER (J)**

The applicant, who was working as Senior Telephone Operator in Grade Pay of Rs. 2400 was rendered surplus in the year 2012. He was redeployed as Technician Grade II in Grade Pay of Rs. 2400 on 12.04.2017. On his redeployment, he was considered as a fresh entrant and his date of entry into the service was taken as 21.04.2017 in the cadre of Technician Grade II and his name was placed below all the members of the said cadre.

2. It has been stated that the South Western Railway Mazdoor Union had raised the issue of redeployment of surplus Telephone Operators in the ticket checking cadre. As the decision of the respondents in redeploying the applicant as Technician was against his interest, therefore, he submitted a representation on which no action was taken by the respondents and ultimately he had to file OA No. 170/00751/2018 before this Tribunal. The said OA was disposed of by this Tribunal vide order dated 26.04.2019 and a direction was issued to consider the applicant's case at par with his counterparts in Hubli and Mysore Divisions of the South Western Railway.

3. Pursuant to said order, the respondents issued an order dated 21.11.2019 posting the applicant as Ticket Examiner in level 3. The grievance of the applicant is that earlier he had been working at level 4 post and he has been illegally and arbitrarily brought down to level 3 post.

Whereas his counterparts in Hubli and Mysore Division have been appointed on level 4 post after their redeployment.

4. Aggrieved by the said action, the applicant submitted a representation dated 16.03.2020 seeking his posting as Senior Ticket Examiner in level 4. A period of more than 6 months has elapsed but upto today the respondents have not taken any decision on the said representation.

5. Learned counsel for the applicant submitted that the applicant will be satisfied if a direction is issued to the respondents to decide his pending representation dated 16.03.2020 within a timeframe.

6. Keeping in view the aforesaid limited prayer made by learned counsel for the applicant, we deem it appropriate to dispose of the present Original Application at the admission stage itself without entering into the merits of the case.

7. Accordingly, the OA is disposed of with a direction to General Manager, South Western Railway, Hubli to decide the applicant's pending representation dated 16.03.2020 and pass a reasoned and speaking order in accordance with law. Before taking such a decision, the applicant shall also be afforded an opportunity of hearing. The whole exercise shall be undertaken within a period of 2 months from the date of receipt of a certified copy of this order.

8. Ordered accordingly.

9. However, there shall be no order as to costs.

(RAKESH KUMAR GUPTA)
MEMBER (A)

(SURESH KUMAR MONGA)
MEMBER (J)

/ksk/

Annexures referred to by the applicant in OA No. 170/00361/2020

Annexure A1 Copy of the Railway Board letter dated 23.11.2011
Annexure A2 Copy of the Memorandum dated 19.02.2013
Annexure A3 Copy of the Tribunal's order dated 26.04.2019 in OA No. 751/2018
Annexure A4 Copy of the office order dated 21.11.2019
Annexure A5 Copy of the representation dated 16.03.2020
