

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 180/00566/2020

Thursday, this the 26th day of November, 2020

CORAM:

Hon'ble Mr. P. Madhavan, Judicial Member
Hon'ble Mr. K.V. Eapen, Administrative Member

Harish P.K., aged 46 years, S/o. Krishnan Namboodiri,
 Loco Pilot (G), Southern Railway, Ernakulam Junction R.S.,
 Resident of 31/32, Amreli Padam, Vytila Road,
 Ernakulam – 682 025, Mob. 9995893531. **Applicant**

(By Advocate : Mr. T.C. Govindaswamy)

V e r s u s

1. Union of India, represented by the General Manager,
 Southern Railway, Headquarters Office, Park Town PO,
 Chennai – 600 003.
2. The Senior Divisional Electrical Engineer (Operations),
 Southern Railway, Thiruvananthapuram Division,
 Thiruvananthapuram – 695 014.
3. The Sr. Divisional Personnel Officer, Southern Railway,
 Thiruvananthapuram Division, Thiruvananthapuram – 695 014.
4. The Additional Railway Manager, Southern Railway,
 Thiruvananthapuram Division,
 Thiruvananthapuram – 695 014. **Respondents**

(By Advocate : Mr. Sunil Jacob Jose)

This application having been heard on 26.11.2020 through video conferencing, the Tribunal on the same day delivered the following:

O R D E R (Oral)

Hon'ble Mr. P. Madhavan, Judicial Member –

Heard Advocate Shri T.C. Govindaswamy appearing for the applicant and the learned counsel appearing for the respondents through video

conferencing.

2. The applicant who is working as Loco Pilot (Goods) is aggrieved by the non-grant of timely promotion as Loco Pilot (Passenger) and also refusal on the part of the respondents to restore the pay drawn by him before the imposition of a certain minor penalty of reduction by one stage. He has filed the present OA seeking the following reliefs:

“(i) Declare that the non-feasance on the part of the respondents to consider and promote the applicant as Loco Pilot (Passenger) with effect from 10.5.2020 is arbitrary, discriminatory and hence violative of the constitutional guarantees enshrined in Article 14 and 16 and direct the respondents accordingly.

(ii) Direct the respondents to consider the applicant for promotion as Loco Pilot (Passenger) with effect from 10.5.2020 and to grant consequential benefits within a time frame as may be found just and proper by this Hon’ble Tribunal.

(iii) Direct the respondents to restore the applicant’s pay to the stage of Rs. 56900/- on and from 10.5.2020 and to grant all consequential benefits arising there-from within a time frame as may be found just and appropriate by this Hon’ble Tribunal.

(iv) Award costs of and incidental to this application.

(iv) Pass such other orders or directions as may be found just and fit in the facts and circumstances of the case.”

3. When the matter came up for consideration, it appears that Annexure A10 representation dated 9.5.2020 filed by the applicant is still pending with the respondents and no action is taken by the respondents so far. Learned counsel for the applicant submitted that the applicant may be permitted to file a detailed representation and if the said representation is considered on merits he will be satisfied.

4. Hence, in view of the limited relief sought by the applicant, we feel it appropriate to dispose of this OA without going into the merits of the

case by directing the applicant to file a fresh representation within two weeks and the competent authority shall consider the same by passing a reasoned and speaking order in the light of the relevant rules and regulations within a period of three months from the date of receipt of such representation from the applicant.

5. The OA is disposed of as above at the admission stage itself. No costs.

**(K.V. EAPEN)
ADMINISTRATIVE MEMBER**

**(P. MADHAVAN)
JUDICIAL MEMBER**

“SA”

Original Application No. 180/00566/2020**APPLICANT'S ANNEXURES**

Annexure A1 – True copy of the above penalty order bearing No. V/E OP/28/PKH dated 18.4.2017 issued by the 2nd respondent.

Annexure A2 – True copy of the order bearing No. V/E OP/28/PKH dated 2.11.2018 issued by the 2nd respondent.

Annexure A3 – True copy of order bearing No. V/E OP/28/PKH dated 5.8.2019 issued by the 2nd respondent.

Annexure A4 – True copy of the note below schedule annexed to the CCS (Revised Pay) Rules.

Annexure A5 – True copy of the order No. RBE 99/2017 dated 21.8.2017.

Annexure A6 – True copies of applicant's pay slips for the period from June 2020 to October 2020.

Annexure A7 – True copy of the office order No. 47/2018/Elec(OP) dated 15.10.2018.

Annexure A8 – True copy of order bearing No. 7/2019/Elec(OP) dated 5.2.2019.

Annexure A9 – True copy of order bearing No. 46/2019/Elec(OP) dated 9.12.2019.

Annexure A10 – True copy of applicant's representation dated 9.5.2020 addressed to the 2nd respondent.

RESPONDENTS' ANNEXURES

Nil

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