

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION No.293/2020

Date of Decision: 21st October, 2020

Coram: Dr. Bhagwan Sahai, Member (A)
Ravinder Kaur, Member (J)

Balkrishna Vitthal Samant
Age: 53 years,
Working as Station Superintendent
at Kandivali Railway Station,
Mumbai - 400 101.
R/o: 203, Shivrise Building,
above Dena Bank, Akurli Road,
Kandivali (East),
Mumbai - 400 101.

... Applicant

(By Advocates Shri Sachin Chavan alongwith Shri
Shriram Kulkarni)

VERSUS

1. Divisional Railway Manager,
Divisional Railway Managers Compound,
3rd Floor, Mumbai Central,
Mumbai - 400 008.

2. Senior Divisional Operating Manager,
Divisional Railway Managers office,
1st Floor, Mumbai Central,
Mumbai - 400 008.

3. Union of India,
Through General Manager,
Western Railway,
Mumbai.

... Respondents

O R D E R (ORAL)

Per: Ravinder Kaur, Member (J)

Shri Sachin Chavan alongwith Shri Shriram
Kulkarni, learned counsels appeared for the
applicant.

2. This matter was heard today through videoconference, with consent of learned counsels for the applicant.

3. The applicant was posted as Station Superintendent at Kandivali Railway Station Mumbai w.e.f. 04.11.2019. He has been transferred vide order dated 16.09.2020 (Annex A-1) from Kandivali to Nandurbar, which has been impugned vide present OA. It is pleaded that the transfer is a punitive action, pending disciplinary proceedings against the applicant. His representation against the transfer dated 28.09.2020 has not yet been decided by the respondents.

4. We have heard the applicant's counsel on Admission. In our opinion, this stage it would be appropriate if the respondents are directed to consider and decide the applicant's representation dated 28.09.2020 within a specified period.

5. The applicant's counsel submits that there are vacancies of Station Superintendents available from Churchgate to Nallasopara stations, so the respondents may be directed to consider his posting at any of these stations or

any other nearby station. However, on query, the counsel admits that this issue was not raised in the above mentioned representation and if permitted would like to raise it in another representation. The applicant is at liberty to file additional representation, if required within one week from today.

6. The respondents are directed to decide the applicant's representation dated 28.09.2020, along with additional representation, if any, vide a reasoned and speaking order within two weeks after receipt of a copy of this order and to communicate that order to the applicant within one week thereafter.

7. In view of the above direction, the Original Application stands disposed of. No order as to costs.

(Ravinder Kaur)
Member (J)

(Dr. Bhagwan Sāhai)
Member (A)

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