

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No: 849/97

Date of Decision: 29.9.97

Shri Sarvar Ali Hashmat Ali. _____ Applicant.

Shri R.S.Bhure. Advocate for
Applicant.

Versus

Union of India and others, Respondent(s)

Shri S.C.Dhawan, Advocate for Respondent(s)

CORAM:

Hon'ble Shri. Justice R.G. Vaidyanatha, Vice Chairman

Hon'ble Shri. P.P. Srivastava, Member (A)

- (1) To be referred to the Reporter or not?
 - (2) Whether it needs to be circulated to other Benches of the Tribunal?

R. Vaidyanatha
(R.G. Vaidyanatha)
Vice Chairman

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH 'GULESTAN' BUILDING NO:6
PRESCOT ROAD, MUMBAI:1

Original Application No. 849/97

Monday the 29 th day of September 1997.

CORAM: Hon'ble Shri Justice R.G. Vaidyanatha, Vice Chairman
Hon'ble Shri P.P. Srivastava, Member (A)

Sarvar Ali Hashmat Ali
R/o Taj Nagar,
Opposite Masjid,
Manewada Road No.2,
Nagpur - 27.

... Applicant.

By Advocate Shri R.S.Bhure

V/s.

Union of India
Ministry of Railway,
Secretary,
Rail Bhavan, New Delhi.

General Manager,
Central Railway,
Chhatrapati Shivaji
Terminus, Mumbai

District (Divisional)
Electrical Engineer,
Railway Electrification
Ajni, Nagpur.

Divisional Controller of Stores,
Railway Electrification,
Ajni, Nagpur.

Divisional Railway Manager
(Personnel Branch)
Central Railway,
Kings Way,
Nagpur.

... Respondents.

By Advocate Shri S.C.Dhawan.

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O R D E R (ORAL)

¶ Per Shri Justice R.G.Vaidyanatha, Vice Chairman ¶

This is an application under Section 19 of Administrative Tribunals Act. The respondents have filed reply opposing admission. Heard both sides.

2. The applicant was working in the Railway Electrification Project, Nagpur. Since the Project work is over he was regularised and was given lien on Nagpur Division. It appears that there was no work in Railway Electrification Project at Nagpur, that is why the applicant came to be transferred to Danapur, Bihar. Being aggrieved by the order of transfer, the applicant approached this Tribunal by filing this O.A.

3. The applicant's grievance is that three persons who are appointed subsequently have been retained at Nagpur. The learned counsel for the respondents pointed out that those three persons are of lower grade in the pay scale of Rs. 750 - 940, but the applicant is in the grade of Rs. 1200 - 1800. The learned counsel for the applicant submitted that the applicant is prepared to work in lower grade of Rs. 750 - 940, provided he is given posting at Nagpur. In our view, the Tribunal cannot do anything at this stage, except making an observation that the applicant may make a representation to the Administration stating that

: 3 :

he is prepared to work in lower grade of Rs. 750 - 940 provided he is posted at Nagpur (Railway Electrification). If such a representation is made, the Administration may consider the same sympathetically, subject to availability of vacancy and his seniority. The Administration to pass appropriate order as per Rules within two months from the date of receipt of such representation.

Since the applicant is having lien in Central Railway Nagpur Division in Electrical (G) Branch at Nagpur, if there is any vacancy in Railway Division Electrical(G) at Nagpur, the Administration may consider his case for being posted in Central Railway Electrification (G) at Nagpur, subject to availability of vacancy and his seniority.

Subject to above observations, the application is disposed of at the admission stage itself. Interim relief passed in this case is vacated. No order as to costs.

Copy of the order be made available to the parties.


(P.P. Srivastava)
Member (A)


(R.G. Vaidyanatha)
Vice Chairman

NS