

Central Administrative Tribunal
Jabalpur Bench

OA No.1134/05

Jabalpur, this the 16th day of December 2005.

C O R A M

Hon'ble Mr. M.P.Singh, Vice Chairman
Hon'ble Mr. Madan Mohan, Judicial Member

Gajendra Singh
S/o Shri Umacharan
Presently posted at Railway Spring
Kharkhana (R.S.K.)
Gwalior
R/o Railway Spring Kharkhana Colony
Sithauli, Gwalior.

Applicant

(By advocate Shri S.A.Dharmadhikari)

Versus

1. Union of India through the
Secretary
Ministry of Railways
Rail Bhawan
New Delhi.
2. The General Manager
Central Railway
Chatrapati Shivaji Terminal
Mumbai.
3. The General Manager
Northern Central Railway
Allahabad (UP).
4. The Chief Personnel Officer/
DRMP (Electrical)
Central Railway Tribunal
Mumbai
5. The Chief Work Shop Manager
Railway Spring Kharkhana (RSK)
Sithouli.

Respondents.

(By advocate Shri M.N.Banerjee)



O R D E R (oral)By M.P.Singh, Vice Chairman

By filing this OA, the applicant has claimed the following reliefs:

- (i) Quash and set aside the order-dated 17.10.2005 (A/15).
- (ii) Direct the respondents to promote the applicant at RSK SITL Gwalior along with the seniority w.e.f. 1.1.03 (i.e. prior to the date of promotion of his junior S.G. Orpe) along with all consequential benefits.

2. The brief facts of the case are that the applicant was initially appointed on the post of Apprentice Mechanic (Electrical) vide order-dated 24.6.85 (Annexure A1). Now vide order dated 17.10.05, he is ordered to be transferred to Mumbai. His seniority will be adversely affected. He should not have been transferred. He has filed a representation Annexure A18 which is pending with the respondents.

3. Heard learned counsel for both parties. The learned counsel for the applicant argued that the respondents may be directed to consider and dispose of the above representation.

4. Learned counsel for the respondents argued that the matter was also heard and considered in an earlier OA No.717/04 which was decided vide order-dated 13.9.2005. In compliance with the aforesaid order of the Tribunal, the Central Railway has passed an order of promotion of the applicant above Shri S.G.Orpe.

5. Considering all facts and circumstances, respondent No.4 – Chief Personnel officer, Central Railway Mumbai is directed to consider and decide the aforesaid representation of the applicant dated 28.11.05 (Annexure A18) within one month by passing a speaking and detailed order and till the representation is decided, the applicant shall not be disturbed from his present place of posting.



6. The applicant is directed to furnish a copy of this order and the OA to respondent No.4 immediately.

7. The OA is disposed of as above.

(Madan Mohan)
Judicial member

(M.P.Singh)
Vice Chairman

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पूर्णांकन सं ओ/व्या..... जातिसंग्रह, दि.....
पुस्तिविवेद दात्ये दिना:

(1) संस्कृत, एवं अन्य विद्याएँ विद्यालय, नवीन नगर, नवीन नगर
 (2) अंग्रेजी विद्यालय, नवीन नगर, नवीन नगर
 (3) फ्रान्सीज़ विद्यालय, नवीन नगर, नवीन नगर
 (4) व्याधिवाल, नवीन नगर, नवीन नगर
 सचिवालय एवं उपसचिवालय, नवीन नगर, नवीन नगर

उप रजिस्ट्रार

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21/12/05