

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD**

Dated: This the 14TH day of NOVEMBER 2018.

Original Application No. 330/01156 of 2018

**HON'BLE MR. GOKUL CHANDRA PATI, MEMBER -A
HON'BLE MR. RAKESH SAGAR JAIN, MEMBER -J**

Ashish Kumar, aged about 35 years, son of Sri Sukh Ram Singh, Resident of Vaidan Tola, Post Kuraoli, District Mainpuri -205665, presently posted as Senior Ticket Examiner, at Jhansi, North Central Railway, Jhansi.

.....Applicant

By Adv: Shri Jaswant Singh

V E R S U S

1. Union of India through the General Manager, North Central Railway, Allahabad.
2. The Divisional Railway Manager/Personnel/Senior D.P.O. North Central Railway, Jhansi.
3. The Senior Divisional Commercial Manager, North Central Railway, Jhansi.
4. The Divisional Railway Manager/Personnel/Senior D.P.O. North Central Railway, Jhansi.
5. The Senior Divisional Commercial Manager, North Central Railway, Jhansi.
6. Ravi Modi, S/o Ashok Kumar Modi, presently posted as Ticket Examiner at Kanpur, North Central Railway, Allahabad.

..... Respondents

By Adv: Sri S.M. Mishra

O R D E R

BY HON'BLE MR. GOKUL CHANDRA PATI, MEMBER -A

Heard Shri Jaswant Singh learned counsels for the applicant and Shri S.M. Mishra learned counsel for the respondents.

2. Learned counsel for the applicant submitted that applicant had given request for mutual transfer in 2017 and in June 2018, he was promoted as Senior Ticket Examiner vide order dated 26.6.2018 (Annexure A-7) and accordingly he has joined as Senior T.E. In the Grade Pay of Rs.2800/- in this regard, he has enclosed salary slips of

June 2018, July 2018, August 2018 and September 2018. He further submitted that in the impugned order dated 24.9.2018, he has been shown as T.E. Grade Pay Rs. 2000/-, which implies, his promotion has been cancelled before his mutual transfer.

3. Learned counsel for the respondents submitted that person, who was mutually transferred has joined the post. He further submitted that applicant is absenting from the place of working. Learned counsel for the applicant vehemently objected to this argument of learned counsel for respondents.

4. In view of the submissions of learned counsel for parties, it is clear that applicant cannot be reverted to the post of T.E. Grade with Grade Pay of Rs.2000 from his promotional post while allowing his mutual transfer, even if he had given the mutual transfer application.

5. In view of the above circumstances and facts of the case, O.A. is disposed of with direction that applicant may file a representation including the grounds mentioned in the O.A. and enclosing copy of orders in previous similar cases decided before the respondent No.1 within one week from the receipt of a copy of this order and on receipt of the said representation, the respondent No.1 shall consider the same and pass a reasoned and speaking order under intimation to the applicant within 1 month from the date of receipt of the said representation from the applicant. Till then, the applicant shall either be adjusted as Senior T.E. in the existing place of his posting or be adjusted as Senior T.E. at the place to which he has been transferred on mutual ground. No order as to costs.

(RAKESH SAGAR JAIN)
Member (J)

(GOKUL CHANDRA PATI)
Member (A)

Manish/-