

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

M.A. No. 2442/2013

O.A. No. 2046/2008

New Delhi, this the 18<sup>th</sup> day of August, 2015.

**HON'BLE MR. V. AJAY KUMAR, MEMBER (J)**  
**HON'BLE MR. K.N. SHRIVASTAVA, MEMBER (A)**

V.K. Pathak & Ors.

.. Applicant

(By Advocate : Shri Yogesh Sharma)

Versus

Union of India & Ors.

.. Respondents

(By Advocate : Shri V.S.R. Krishna with Shri Shailendra Tiwary)

**ORDER (ORAL)**

**By Mr. V. Ajay Kumar, Member (J)**

The applicants in the present M.A. originally filed O.A. No.2046/2008 and the said O.A. was disposed of by this Tribunal by its orders dated 14.07.2009 as under:

“The stand of the respondents cannot be acceded to in law. Accordingly, OA stands partly allowed to the extent that the impugned order is set aside. Respondents are directed to reconsider the claim of the applicants by designating them on redeployment as TTE in the grade of Rs.4000-6000 with all consequences. This shall be done within a period of three months from the date of receipt of a copy of this order. No costs.”

2. Alleging non-implementation of the aforesaid orders, the applicants filed the present M.A. for execution of the orders dated 14.07.2009 in O.A. 2046/2008.

3. When the respondents claimed that they have complied with the orders of this Tribunal by producing an undated speaking order, this Tribunal on 13.01.2014, after examining the said undated order, observed as under:

“We have gone through the same. It does not speak anything about the implementation of the aforesaid order. According to the aforesaid order, the respondents should have issued specific order re-designating as TTE in the grade of Rs.4000-6000. It also should have stated that consequential benefits arising out of such re-designation has been made available to the applicants. We, therefore, direct the Divisional Railway Manager to pass appropriate orders strictly in compliance of the aforesaid directions of this Tribunal under intimation to the applicants and file a copy of the same by way of additional affidavit before the next date of hearing.

List again for our consideration on 3.3.2014.

Issue **DASTI.**”

4. In pursuance of the aforesaid directions, the respondents passed orders on 19.02.2014 and submitted that in view of passing the said order, the MA is liable to be dismissed.

5. Heard Shri Yogesh Sharma for the applicant in the MA and Shri Shailendra Tiwary, the learned counsel for the respondents.

6. The learned counsel for the misc. applicants contends that since this Tribunal by its order dated 14.07.2009 specifically directed the respondents to reconsider the claim of the applicants

by designating them on redeployment as TTE in the grade of Rs.4000-6000 with all consequences, and since the respondents, instead of designating the applicants as TTE, designated them as Senior Ticket Examiner, the same cannot be treated as proper execution of the orders of this Tribunal.

7. Per contra, Shri V.S.R. Krishna, the learned counsel appearing for the respondents, while drawing attention to the speaking order dated 19.02.2014, submits that even as on the date of disposal of the O.A. No.2046/2008, i.e. as on 14.07.2009, the post of TTE has already been redesignated as Senior Ticket Examiner, and as a result, in compliance of the orders of this Tribunal, the applicants were rightly redesignated as Senior Ticket Examiners, and prays for dismissal of the M.A.

8. The learned counsel for the respondents further submits that the scope of the present MA is limited and that this Tribunal cannot go into the merits of the case as the same amounts to reviewing the orders of this Tribunal.

9. The relevant para of the speaking order dated 19.02.2014 reads as under:

“It has already been clearly mentioned in the speaking order dated 14/9/2009 that the designation of Sr. TCR/Sr.TTE has already been abolished and now a revised category of Sr. Ticket Examiner is being operated as per Boards letter No.E(NG)II/(/CD/Pt-3 dated

03/1/2006. Thus in terms of the above mentioned circular there is no difference in grade of Sr. TCR/TTE rather only one cadre of Sr. Ticket Examiner. There is no difference between Sr. TCR/TTE and the promotion for the post of Hd. TTE will be considered as per the seniority position of earlier designation of Sr. TCR/TTE. However, as directed by the Hon'ble CAT/NDLS, it may again be advised to the applicants that the designation of Sr. TCR/TTE has been changed and now there is only one designation of Sr. Ticket Examiner. At present there are so many Senior Ticket Examiners in G.P. 2400 to the applicants in the seniority list and applicants will be considered on their due turn for promotion as Hd. TTE G.P.2400.

The applicants may be informed accordingly.”

10. It is true that this Tribunal in its order dated 14.07.2009 directed the respondents to reconsider the claim of the applicants by designating them on redeployment as TTE in the grade of Rs.4000-6000 with all consequences. However, it is not in dispute that even on the said date of disposal of the O.A., i.e. as on 14.07.2009 itself, the post of TTE was redesignated as Senior Ticket Examiner and that none of the parties brought the said fact to the notice of this Tribunal at the relevant point of time. It is further observed that the scale of pay of TTE and the Senior Ticket Examiner are one and the same, and the respondents placed the applicants in the seniority list of Senior Ticket Examiner and that they are entitled for consideration of their cases for promotion to the next higher grade as Head TTE. As rightly pointed out by the learned counsel for the respondents that the scope of the M.A. is limited and that this Tribunal cannot go into the merits of the case.

9. In the circumstances and for the aforesaid reasons and in view of substantial execution of the orders of this Tribunal, we do not find any merit in the M.A., and accordingly, the same is dismissed. However, the applicants are at liberty to question the orders now passed by the respondents, if they are aggrieved, in accordance with law. No costs.

**(K.N. SHRIVASTAVA)**  
**Member (A)**

**(V. AJAY KUMAR)**  
**Member (J)**

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