

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/00159/2018

Dated Thursday the 8th day of February Two Thousand Eighteen

PRESENT

HON'BLE MR. R. RAMANUJAM, Member (A)

V.Udayasukumaran,
Chief Enquiry and Reservation Supervisor,
Mayiladuthurai,
Tiruchirapalli Division,
Southern Railway.Applicant

By Advocate M/s. Ratio Legis

Vs

- 1.The Union of India rep by,
The General Manager,
Southern Railway,
Chennai-3.
- 2.The Divisional Personnel Officer,
Tiruchirapalli Division,
Southern Railway,
Trichy.Respondents

By Advocate Mr. P. Srinivasan

ORAL ORDER

(Pronounced by Hon'ble Mr. R. Ramanujam, Member(A))

Heard. The applicant has filed this OA under section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

“To call for the records related to the impugned order T/P 524/III/E&RS/2013/Vol.I dated 03.07.2017 made by the 2nd respondent and to quash the same and further to directed the respondents to restore the promotion and to pass such other order / orders as this Hon'ble Tribunal may deem fit and proper and thus to render justice.”

2. Learned counsel for the applicant submits that the applicant is aggrieved by Annexure A3 impugned order dt. 03.07.2017 by which he had been reverted from CE&RS in level 7 to RS II in level 6 with effect from 04.11.2017. It is alleged that the applicant had been promoted on regular basis against an available vacancy on the basis of his eligibility and suitability. However, as a senior person who was undergoing penalty at the relevant time completed the currency of the penalty, he was promoted in the place of the applicant and the applicant was consequently reverted. The reversion is now a fait accompli although a provision exists in the relevant rules to create a supernumerary post to accommodate the previously promoted person in such cases. It is not clear why the respondents did not adopt such a procedure. Accordingly, it is submitted that the applicant would be satisfied if he is permitted to make a representation to the authority concerned drawing attention to the relevant rules which may be directed to be disposed of within a time limit to be stipulated by the Tribunal.

3. Mr. P. Srinivasan takes notice for the respondents and submits that if time is granted a detailed reply would be filed.
4. Be that as it may, keeping in view the limited prayer and without going into the substantive merits of the case, I deem it appropriate to permit the applicant to make a representation to the competent authority within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the authorities shall consider the same in accordance with law and pass a speaking order within a period of six weeks thereafter.
5. OA is disposed of with the above direction at the admission stage.

(R. Ramanujam)
Member(A)
08.02.2018

SKSI