

**CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH**  
**JABALPUR**

**Original Application No.200/01070/2018**

Jabalpur, this Monday, the 19<sup>th</sup> day of November, 2018

**HON'BLE MR. NAVIN TANDON, ADMINISTRATIVE MEMBER  
HON'BLE MR. RAMESH SINGH THAKUR, JUDICIAL MEMBER**

Roshan Sukhai, S/o Sukhai aged about 61 years, Retd. Operator  
Gr. I, Stores, C.R.W.S. Nishatpura, Bhopal H.No.27, Gali No.2,  
Khusipura, Chandbad Bhopal (M.P.) -Applicant

**(By Advocate – Shri M.N. Banerjee)**

**V e r s u s**

1. Union of India through the General Manager, West Central Railway, Near Indira Market, Jabalpur (M.P.) – 482001.
2. Chief Material Manager, O/o General Manager, West Central Railway, Near Indira Market, Jabalpur (M.P.).
3. Chief Works Manager, C.R.W.S. Nishatpura, Bhopal (M.P.)  
-Respondents

**(By Advocate – Shri A.S. Raizada)**

**O R D E R (O R A L)**

**By Navin Tandon, AM.**

The applicant was promoted as Operator Grade-I on 15.12.2011 and superannuated on 31.10.2017 from the same post. He is seeking promotion to the post of MCM w.e.f. 01.09.2016, i.e. the date of restructuring of certain Group 'C' cadres.

2. The applicant has sought for the following reliefs:

**“8. RELIEF SOUGHT:-**

It is, therefore, most respectfully prayed for grant of following relief:-

8.1 Kindly command respondents to produce all relevant records.

8.2 To kindly command respondents to consider case of applicant for promotion to the post of M.C.M. in the Pay Band 9300-34800 Grade pay 4200 upon restructuring of the post from the due date on notional basis and all consequential benefits including revision of pension be directed to be made.

8.3 Any other relief which Hon'ble Tribunal may consider reasonable under facts and circumstances of the case.

8.4 Cost of the petition may kindly be allowed.”

3. Learned counsel for the applicant brought to our notice communication dated 27.12.2017 (Annexure A-5), wherein it has been stated that the applicant could not be promoted before his date of superannuation (31.10.2017), as the process of filling up the post of MCM could not be completed before 31.10.2017.

He further draw our attention to the provisions of ‘Date of effect’ in Railway Board’s communication vide RBE No.116/2016 dated 30.09.2016 (Annexure A-2), which states that, “the benefit of restructuring will be restricted to the persons who are working in a particular cadre on the cut-off date i.e. 01-09-2016.”

4. It is clear that the benefit of restructuring was to be given as on 01.09.2016 and, therefore, the applicant is entitled to be considered for restructuring from the same date. Accordingly, we deem it appropriate to dispose of this Original Application at the admission stage itself with a direction to the respondents to complete the process of considering the case of the applicant for restructuring w.e.f. 01.09.2016, within a period of 90 days from the date of receipt of a certified copy of this order.

5. The O.A is disposed of in the above terms. No costs.

**(Ramesh Singh Thakur)**  
**Judicial Member**

**(Navin Tandon)**  
**Administrative Member**

am/-