

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.311/2018.

Date of Decision: 02.05.2018.

CORAM: HON'BLE SHRI ARVIND J. ROHEE, MEMBER (J)

Mr. Surendra Kumar Bansal
 S/o Shri Dwarika Prasad Gupta,
 Dean, Indian Railways Institute
 of Civil Engineering,
 Koregaon Park Pune, Working
 under Ministry of Railways,
 Railway Board, Raisina Road,
 New Delhi 110 001.
 R/at IRICEN Colony, Koregaon
 Park, Pune 411 001.

.... *Applicant*

(By Advocate Shri S.K. Tripathi)

Versus

1. Union of India, Through
 The Secretary
 Ministry of Railways,
 Raisina Road, Rail Bhavan,
 New Delhi 110 001.
2. The Director,
 Indian Railway Institute of Civil
 Engineering (IRICEN) Koregaon
 Park, Pune 411 001.
3. Chairman, Railway Board,
 Railway Bhavan, Raisina Road,
 New Delhi 110 001. ... *Respondents*

ORDER (Oral)

Per : Shri A.J. Rohee, Member (J)

Today Division Bench is not available. Hence, the matter is taken up before Single Bench.

2. Heard Shri S.K. Tripathi, learned Advocate for the Applicant, when the matter is called out for Admission. I have carefully perused the case record.

3. The Applicant is presently working as Dean Indian Railways Institute of Civil Engineering, Pune under Respondent No.2. It is stated that applicant is due and eligible for promotion post of Divisional Railway Manager. However his name is not included in the panel on the ground that penalty of Censure was imposed upon him vide order dated 15.09.2017.

4. In this OA, the following reliefs are sought:

“8.a) To call for the records and documents in possession of the respondents pertaining to matter of this application and quash the impugned orders dated 31.10.2017/A-1(I), 05.01.2018/A1(II) 15.9.2017/A2 and 28.09.2017 and other subsequent orders of the respondents pertaining to the appointment as DRM.

8.b) To direct the respondent to prepare a fresh list duly incorporating the name of the applicant in DRM panel for the block period (1st July 2017- 30th June 2018) and post the

applicant as DRM vice vacancy No.40/A2.

8.c) Any other relief as the Hon'ble Tribunal may find it appropriate in such cases.

8.d) Cost of the case may be saddled on the respondents."

5. The record shows that the applicant has submitted a representation dated 17.01.2018 (Annexure A-5) to the Chairman Railway Board, New Delhi for redressal of his grievance. However it is stated that nothing has been heard from the other end so far.

6. Perusal of the title of the OA revealed that Chairman Railway Board, New Delhi has not been impleaded as party respondent. In view of above, leave is granted to the learned Advocate for the Applicant to implead Chairman Railway Board, New Delhi as party Respondent No.3 in the title of the OA, so that appropriate directions can be issued in the matter.

7. The Applicant's main grievance is that in case, he is not considered and promoted to the post of Divisional Railway Manager in the existing vacancies, simply on

the ground that he suffered a penalty of Censure, he will be put to a great loss.

8. Considering the fact that representation is pending for consideration, the present OA is disposed of with a direction to Respondent No.3 - Chairman Railway Board, New Delhi to consider and pass a reasoned and speaking order on the pending representation dated 17.01.2018 of the applicant, which is submitted against the impugned order dated 31.10.2017 (Annexure A-1) by which it is stated that his request cannot be considered, since he suffered a penalty of Censure.

9. The Respondent No.3 is directed to pass a reasoned and speaking order on the aforesaid representation, within a period of three weeks from the date of receipt of certified copy of this order.

10. The order so passed shall then be communicated to the applicant at the earliest, who will be at liberty to approach the appropriate forum, in case his grievance still persists.

11. The OA stands disposed of with the aforesaid directions at the admission stage,

without issuing notice to the respondents or without making any comments on merits of the claim.

12. Registry is directed to forward certified copy of this order to both the parties at the earliest for taking appropriate steps in the matter.

13. *DASTI.*

*(A.J.Rohee)
Member (J)*

dm.