

**CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI**

ORIGINAL APPLICATION No.754/2017

Dated : 8.12.2017

**CORAM: HON'BLE JUSTICE PERMOD KOHLI, CHAIRMAN
HON'BLE SHRI R.VIJAYKUMAR, MEMBER (A)**

Rishi Kant Sharma,
B-6, Ganesh Park,
Near Tushar Garden,
Pimple Saudagar,
Pune-411027. **... Applicant**
(By Advocate Shri Vicky Nagrani)

Versus.

1. Union of India,
Through The General Manager,
North Western Railway,
Head Quarters Jaipur.
 2. The General Manager,
South East Central Railway,
Bilaspur.
 3. The Divisional Railway Manager,
Jodhpur Division,
North Western Railway,
Jodhpur.
 4. The General Manager,
Central Railway, CSTM,
Mumbai-400001.
 5. The Divisional Railway Manager,
Central Railway,
Pune Division,
Pune-411001.
 6. Raj Kumar Meena,
Working as SSE/P.Way/Planning,
DRM Office, Engineering Branch,
Jodhpur. **....Respondents.**
- (By Advocate Shri R.R.Shetty)**

ORDER (ORAL)

Justice Permod Kohli, Chairman :

On notice Mr.R.R.Shetty, learned counsel who is present in the Court has been asked to appear for the respondents.

The applicant was appointed as Junior Engineer/P.Way, Jodhpur Division, North Western Railway, Jodhpur on 12.8.2005. The applicant and R-6 applied for mutual transfer so as to swap their places. While the request of both these persons were pending consideration, the Railway Board issued order dt. 8.10.2013 for restructuring certain Group 'C' cadres. In the process of restructuring 59 posts of Junior Engineer were upgraded to Senior Section Engineer w.e.f. 1.11.2013. The mutual transfer of applicant and R-6 was approved by R-1 vide order dt. 30.4.2014. Consequent upon the aforesaid transfer, the R-3 issued order dt. 15.5.2014 implementing the railway board order dt. 8.10.2013 regarding restructuring and accordingly vide order dt. 15.5.2014

certain Junior Engineers were upgraded to the post of SSE w.e.f. 1.11.2013 and their pay also came to be refixed on the upgraded post. Some of the juniors of the applicant were also granted the benefit of the upgradation and were also paid arrears of pay vide order dt. 15.5.2014. The applicant was not included in the upgradation list, though he continued to serve at the place of his initial appointment as on 15.5.2014 when the upgradation order was implemented. The applicant was eventually relieved on 16.5.2014. The R-6 who was also transferred in place of the applicant also resumed his duties at Jodhpur Division on 26.5.2016. R-6 was granted benefit of upgradation vide order dt. 4.8.2015. Having been denied the benefit of the upgradation the applicant made a representation dt. 13.4.2017 seeking benefit of upgradation. He also submitted online representation on Indian railway portal. The applicant's request was disposed of on 16.5.2017 with the remarks that the action on

the grievance can be taken by Senior DPO Jodhpur North Western Railway. After having submitted a reminder, the applicant preferred an online appeal through the railway portal on 10.7.2017. The applicant was, however, informed vide letter dt. 21.6.2017 that his representation is forwarded to Senior DPO, Jodhpur, North Western Railway. Later, the applicant also received a reply dt. 13.7.2017 from the railway portal "Nivaran" advising him to refer his case to Jodhpur Division i.e. R-3. It is under these circumstances that the present O.A. has been filed.

Despite representations the applicant has been made to shuttle between one office to another and his grievance has not been appropriately redressed. The respondents never rejected the claim of the applicant, but made him to shuttle between different divisions. Under the given circumstances, we dispose of the present OA with the directions to R-3 to consider the representation made by the applicant dt.

13.4.2017, online representation dt. 5.5.2017 and online appeal dt. 10.7.2017 within a period of three months from the date of receipt of copy of this order. Needless to say that the representation shall be decided by a reasoned and speaking order with intimation to the applicant.

(R. Vijaykumar)
Member (A)

(Justice Permod Kohli)
Chairman

B.