

**CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI**

O.A.No.327/2016

Dated this Monday the 15th day of October, 2018

**Coram:Hon'ble Dr. Bhagwan Sahai, Member (A).
Hon'ble Shri R. N. Singh, Member (J).**

1. Y. M. Vhatkar
Age 47 years,
working as Senior Section Engineer,
(PW/YD), Pune,
Residing at RB/III/560/3,
Private Road,
Near Pune Railway Station,
Pune-411001.
...Applicant.
(By Advocate Shri V. A. Nagrani).

Versus

1. Union of India
Through the General Manager,
Central Railway,
CSTM, Mumbai-400 001.

2. The Divisional Railway Manager (P),
Central Railway,
Pune Division,
Pune-411001.
... Respondents.

(By Advocate Shri V. D. Vadhavkar).

O R D E R (O R A L)
Per : R. N. Singh, Member (Judicial)

Present.

1. Shri Vicky Nagrani, learned counsel for the applicant.

2. Shri V. D. Vadhavakar, learned counsel for the respondents.

3. By this OA the applicant who is working as Senior Section Engineer under the respondents has sought following reliefs:-

"a. This Hon'ble Tribunal may

graciously be pleased to call for the records of the case from the Respondents and after examining the same quash and set aside the impugned order dated 04.02.2016 with all consequential benefits.

b. This Hon'ble Tribunal may further be pleased to direct the Respondents to allow the Applicant to work as SSE/PW/YD/PA with all consequential benefits.

c. Costs of the application be provided for.

d. Any other and further order as this Hon'ble Tribunal deems fit in the nature and circumstances of the case be passed."

4. The learned counsel for the applicant submits that the impugned order dated 04.02.2016 regarding transfer and posting of the applicant is punitive. The applicant has challenged the impugned order on the grounds stated in the OA as well as in his representation dated 31.03.2016 (Annexure A-6).

As no order has been passed till date by the Competent Authority as such representation of the applicant and the applicant has already complied with the impugned order, we may not like to exercise the power of judicial review at this stage.

5. With the consent of the parties, we dispose of this OA with directions to the respondents to consider the representation dated 31.03.2016 (Annexure A-6) of the applicant within six weeks from the date of receipt of certified copy of this order by passing a reasoned and speaking order and

communicate the same to the applicant within two weeks thereafter.

6. No order as to costs.

(R. N. Singh)
Member (J)

(Dr. Bhagwan Sahai)
Member (A)

V.