

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.607/2018

Date of Decision: 18.10.2018.

CORAM:HON'BLE DR. BHAGWAN SAHAI, MEMBER (A)
HON'BLE SHRI R.N. SINGH, MEMBER (J)

Shri Vinod Bhimrao Dhurandhar
 Age 42 years (Senior Section Engineer.Tel/SE)
 Working under SSE/Tele/Kalyan,
 S&T department, Mumbai Division,
 Central Raiway. R/at Nanik Residency,
 C/O Asha Trithe, 1st Floor, 101, Beside
 Bharat Gas, Sambhaji Chowk, Ulhasnagar-4.
 Dist. Thane. *Applicant*
(In person)

VERSUS

1. Union of India, through
 The General Manager, Central Rly.,
 2nd Floor, CSTM, Mumbai 400 001.
2. DRM, Central Rly., Mumbai Division,
 CSTM, Mumbai 400 001.
3. Sr. DSTE(CO), 1st Floor,
 Parcel Bldg., P.F. 13, CSMT,
 Mumbai 400 001.
4. Shri N.K. Singh
 Sr. DSTE(CO), 1st Floor, Parcel Bldg.,
 P.F. 13, CSMT, Mumbai 400 001. *Respondents*
(Advocate Shri R.R. Shetty)

ORDER (Oral)
Per : Shri R.N. Singh, Member (J)

Learned counsel for the respondents
 seeks four weeks time to file reply.
 However, the applicant insists for grant of
 interim relief, more particularly in view of

the fact that in spite of receipt of notice, the respondents have not filed reply. In the circumstances, we have heard the parties.

2. By this OA, the Applicant has challenged the order dated 16.03.2018 (Annexure A-1). By this order along with others the respondents have redistributed duty to various Telecom Supervisors at SSE/T/KYN Depot. The name of the applicant appears at sr.no.7 of such list. The duties assigned against his name reads as under:

“He will be incharge of data circuits i.e. FOIS, CMS and UTSPRS, in Kalyan THK section and responsible for upkeep & maintenance of all aforesaid gears.

He will coordinate with other departments for expansion and upkeep of UTS/PRS/ATVM and FOIS/CMS/TMS network. Also he will coordinate with incharge of SE, NE and DBRP section for smooth working of aforesaid gears”.

3. The Applicant also challenges the Office Order No.142/2018 dated 10.08.2018 (Annexure A-3). The name of the applicant appears at sr.no. 5 which reads as under;

“5) Shri Vinod Dhurandar, SSE/Tel.Level 7 GP 4600/- working under SSE/Tele/KYN Depot is posted as SSE(T)KYN.”

4. Precisely the grievance of the

applicant is that from the aforesaid two impugned orders, he has not been able to understand as to which place he is being posted to. We have gone through the impugned orders and find that the order about his posting is very clear inasmuch as it plainly indicates that he is being posted as SSE(T) KYN. It has been clarified by the applicant himself that KYN stands for 'Kalyan'. It is also evident from the aforesaid that the duties assigned to him have also been clarified by the respondents vide their order dated 16.03.2018.

5. The Applicant has also challenged the Memorandum dated 25.04.2018 (Annexure A-2), by which the respondents have proposed to hold an inquiry against the applicant under Rule 9 of the Railway Servants (Discipline & Appeal) Rule 1968 and they have granted opportunity to the applicant to prefer his written statement of defence within a period specified in para 2 thereof such Memorandum. The Applicant contends that though he has preferred his defence representation in pursuance to the Office Memorandum dated 25.04.2018 referred to above, however he has

not preferred any representation against the impugned letters/orders about his posting/redistribution of duty vide letter dated 16.03.2018 and 10.08.2018. The Applicant vaguely alleges that the impugned orders are result of he being discriminated for belonging to a Scheduled Caste Community. The Applicant has not argued any other point.

6. We have considered the facts and circumstances of the case and find that mere allegation of discrimination would not suffice and in absence of even any representation against the impugned orders to the competent authority, no cause of action has accrued to the applicant.

7. In view of the above, we hold that the OA is without any cause of action and therefore, deserves to be dismissed. We order accordingly. However, leave is accorded to the applicant to make a representation, if at all he is aggrieved by the aforesaid impugned order, within two weeks from the receipt of certified copy of this order and if such representation is made by him, the respondents shall dispose

of the same by passing a reasoned and speaking order within six weeks from receipt of such representation.

8. In the aforesaid terms, the OA is disposed of. No order as to costs.

(R.N. Singh)
Member (J)

(Dr. Bhagwan Sahai)
Member (A)

dm.