

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.461/2017

Date of Decision: 08.10.2018.

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

Shri Mukesh B. Madhavdas
 Age 40 years,
 Working as Sr. Ticket Examiner
 R/at Flat No.84/7, Railway Colony
 Andheri (E), Mumbai 400 069. ... ***Applicant***
(Advocate Shri S.V. Marne)

VERSUS

1. Union of India, through
 The General Manager,
 Western Railway, Churchgate,
 Mumbai 400 020.
2. Divisional Railway Manager,
 Western Railway, Mumbai Division,
 Mumbai Central, Mumbai 400 008.
3. Senior Divisional Commercial Manager,
 Western Railway, Mumbai Division,
 Mumbai Central, Mumbai 400 008. ... ***Respondents***
(Advocate Shri S. Ravi)

ORDER (Oral)

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

By this OA, the Applicant has sought
 the following reliefs:

“8.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 disciplinary proceedings in respect of the charges dated 30.06.2009 and charge-sheet dated 17.07.2012 with all consequential benefits.

8.b) *This Hon'ble Tribunal may further be pleased to direct the respondents to grant regular promotion to the applicant to the post of Head Ticket Examiner w.e.f. 01.11.2013 with all consequential benefits.*

8.c) *The Hon'ble Tribunal may further be pleased to direct the respondents to treat the period from 14.08.2008 to 16.11.2010 as a period spent on duty for all purposes and to pay to the applicant all consequential pay, allowances, etc. in respect of the period from 14.08.2008 to 16.11.2010.*

8.d) *In the alternative the respondents be directed to promote the applicant to the post of Head Ticket Examiner on ad-hoc basis w.e.f. 01.11.2015 with all consequential benefits of pay and allowances.*

8.e) *Cost of the application be provided for.*

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

2. Heard the learned counsels for the parties. Learned counsel for the applicant very fairly submits that the impugned charge-sheet dated 30.06.2009 has been dropped/withdrawn by the order dated 03.08.2017. He further submits that the charge-sheet dated 17.07.2012 has also culminated into an order of penalty vide order dated 27.02.2018 and the applicant has already preferred a statutory appeal/revision before the competent authority against the order of penalty dated

27.02.2018. The Learned counsel for the respondents does not dispute these factual submissions. It is noted that the other reliefs sought in the OA may be consequential to the substantial relief as mentioned above. Accordingly, nothing survives in the OA. The OA is dismissed as having become infructuous. The applicant will be at liberty to challenge the consequential orders arising out of the charge-sheet dated 17.07.2012 in accordance with law in case need arises thereof.

(R.N. Singh)
Member (J)

(Dr. Bhagwan Sahai)
Member (A)

dm.