

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.767/2017

Date of Decision: 24.01.2018.

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

Vinod Kumar Mishra
 Working as SSE UP Yard,
 Central Railway, Kalyan,
 R/at 2, Mahavir Yadav Chawl,
 Near Jansheva Committee,
 Andheri (E), Mumbai 400 069. ... *Applicant*
(Advocate Shri Ulhas Shinde with
Shri D.R. Dixit)

Versus

1. Union of India, through
 The General Manager,
 Headquarters, Central Rly.,
 CSTM, Mumbai 400 001.
2. Divisional Railway Manager,
 Mumbai Division,
 Central Railway, CSTM,
 Mumbai 400 001. ... *Respondents*

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

Today when the matter is called out for admission, heard
 Shri Ulhas Shinde assisted by Shri D.R. Dixit, learned Advocates
 for the applicant. We have carefully perused the case record.

2. The Applicant who is presently working as Junior Engineer has grievance regarding his promotion to the post of SSE. He claims it from 26.10.2006 when others were considered and promoted. Aggrieved by this, he has challenged the said order

in previous OA No.267/2008. This Tribunal considered it and vide order dated 22.12.2011 allowed the said OA with the following operative order;

“....10. With the above situation, the irresistible conclusion is that the method adopted by the respondents in preparing the panel of selected candidates for the post of Junior Engineer Gr.II (Rs.5000-8000) under the 25% ranker quota on the basis of seniority (of those who had secured 60% and above) is totally erroneous and cannot stand the judicial scrutiny. Accordingly, the OA is allowed and the impugned panel dated 26.10.2006 is quashed and set aside. Respondents are directed to draw a fresh panel strictly on the basis of the marks obtained without any consideration as to the seniority and act on the basis of the same. The name of the third respondents could well be in the list of selected SC candidate as he stood on the top in that category on merit.

11. This order be complied with, within a period of four months from the date of communication of this order. No cost.”

3. The record shows that thereafter the applicant has sought information under RTI Act, vide letter dated 04.10.2017 (Annexure A-10). It appears that in compliance of the order passed by this Tribunal in the previous OA, the respondents have prepared revised select list for promotion post of SSE on 22.12.2012. It appears that the applicant's name is not included therein. Instead of challenging the said order, the applicant seeks the following reliefs in this OA:

“8.a) To declare that the pay of the applicant be re-fixed in the scale of Rs.9300-34800+Grade Pay Rs.4200 from the date of other persons of panel dated 26.10.2006 are promoted.

8.b) To declare that Due to revision and re-fixation of basic pay from 26.10.2006 the applicant should get an arrears of pay and all other consequential benefits including HRA for the period from 26.10.2006 to 10.02.2014.

8.c) To direct the respondent to revise (re-fix) the arrears of the applicant and release payment of the same including arrears arising out the same.

8.d) Cost of this application be saddled on the respondents.

8.e) Any other relief as this Hon'ble Tribunal may deem fit in the facts and circumstances of the case."

4. Considering the above facts, the relief sought cannot be granted in this OA unless the order dated 22.12.2012 is modified by including name of the applicant therein. In view of this, both the learned Advocates seek permission to withdraw the present OA with liberty to file a fresh for seeking appropriate reliefs. Permission as sought is granted. However, this will be subject to law of limitation.

5. In view of this, the OA stands dismissed as withdrawn with liberty as above.

6. Registry to forward copy of this order to both the parties.

(R. Vijaykumar)
Member (A)

(Arvind J. Rohee)
Member(J)

dm.