

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD.**

OA No.21/2019

This the 22nd day of January, 2019

**Coram : Hon'ble Ms. Archana Nigam, Administrative Member
Hon'ble Shri M.C.Verma, Judicial Member**

Hiteshkumar M. Thakar
Son of Mr. Madhusudanbhai Thakar
Aged : 50 years,
Residence : Prakashdip Apartment
742/55, Nava Vadaj, Opp. Bhavsar Hostel
Ahmedabad 380 013. Applicant.

(By Advocate : Shri P.H.Pathak)

VERSUS

1. The Union of India
Notice to be served through
The General Manager (WR)
Churchgate, Mumbai 400 020.
2. Divisional Railway Manager (WR)
Ahmedabad Division, Kalupur,
Ahmedabad – 380 001. Respondents.

O R D E R – ORAL

Per : Hon'ble Shri M.C.Verma, Member (J)

Heard. The applicant has preferred this OA pleading that similarly situated employee in Mumbai Division has been extended the benefit of Railway Board circular dated 27.9.2002, vide Order dated 02.12.2017, but said circular of Railway Board has not been implemented in Ahmeabad Division, and further higher scale of MACP has not been extended to the applicant.

The prayer made in the OA are :

(A) That Hon'ble Tribunal be pleased to direct the respondents to grant the same benefits as granted to the Announcer of Bombay Division and pay all arrears of amount to the applicant with 12% interest.

(B) Be pleased to declare that the respondent No.2 has acted malafide and deny the benefits at par with the Announcer of Mumbai Bench and direct the respondents to grant the same benefits to the applicant with 12% interest.

2. Circular dated 23.9.2002 of Railway Board, which is Annexure A-3 of the OA, provides that direct recruitment in the category of Announcers should be provided position against

direct recruitment quota posts and linked with the relevant existing regular cadre for the purpose of further promotion, in consultation with the recognised unions. It has submitted by learned counsel, Shri P.H.Pathak, who appeared for the applicant that applicant is sole Announcer in the Ahmedabad Division and he was not given benefit of the said circular though Announcer in Mumbai Division has been extended the said benefits.

3. Regarding details of remedies exhausted, it is pleaded in OA that applicant has exhausted all available remedies. Upon query, whether before approaching this Tribunal any representation was given by the applicant to Respondent Authorities and learned counsel admitted that no representation was given and added that because of violation of Article 14, no representation was necessary.

4. Attention of the learned counsel was also drawn at prayer (B) of the OA and it is inquired that when no representation how

this prayer could be and how the order of the respondents denying benefits can be assumed and how this OA is entertainable. Any how, having considered entirety of the matter, we think that it would be appropriate to dispose off the OA, at this stage, with direction to the applicant to first prefer representation to the Respondents authority, if he desires, within 15 days of this order and if any representation is preferred by the applicant within stipulated time, the respondents shall consider the same and would dispose off the same by passing detailed speaking order within two months thereafter. Ordered accordingly.

5. With the above observation and directions, OA stands disposed off. No order as to costs.

(M.C.Verma)
Member (J)

(Archana Nigam)
Member (A)

nk