

Vacation Bench**CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH**
JABALPUR**Original Application No.200/00474/2019**

Jabalpur, this Wednesday, the 29th day of May, 2019

HON'BLE MR. RAMESH SINGH THAKUR, JUDICIAL MEMBER

Suraj Pal, s/o Late Shri Jai Ram, aged 21 years, Occupation – App. T.C.M.III, office of SSE/T/Bina, R/o Gram – Bhavarkali, Post – Jakhaura, Distt. Lalitpur, Tahsil – Toolbehat, (U.P.) – P.C. 284126
-Applicant

(By Advocate – Shri Ajay Pratap Singh)

V e r s u s

1. Union of India through the General Manager, West Central Railway, Indira Market, Jabalpur (M.P.) – 482001.
2. The Divisional Railway Manager (Personnel), Bhopal Division, West Central Railway, Bhopal (M.P.) – 462001.
3. The Senior Divisional Commercial Manager, Bhopal Division, West Central Railway, Bhopal (M.P.) – 462001.
4. The Senior Divisional Signal & Telecommunication Engineer (Co-ordination), Bhopal Division, West Central Railway Bhopal (M.P.) 462001.
5. The Senior Section Engineer (Telecommunication), West Central Railway, Bina (M.P.), Distt. Sagar M.P. 470113.
6. The Asstt. Personnel Officer DRM (P)'s office, Personnel Branch, West Central Railway, Bhopal (M.P.) – 462001.

-Respondents

O R D E R (O R A L)

The applicant is aggrieved by the fact that the respondents have reduced the Grade Pay of the applicant.

2. Precisely, the case of the applicant is that he was appointed on compassionate grounds vide order dated 23.11.2015 (Annexure A-1) on the post of Trainee Commercial Clerk in the pay scale of Rs.5200-20200 with Grade Pay of Rs.2000/-. He was directed to take training course for Assistant Commercial Clerk at ZRTI Bhusawal from 25.11.2015 to 18.12.2015 (Annexure A-2). The applicant completed training course successfully and was posted for practical training at Station Ruthiyai vide order dated 21.12.2015 (Annexure A-3). Thereafter, he was posted as Assistant Commercial Clerk at Ruthiyai vide order dated 05.02.2016 (Annexure A-4). However, without giving any notice to the applicant, the respondents have changed the applicant's post from Assistant Commercial Clerk to ESM-II in S&T Department.

3. The contention of the applicant is that he has been duly selected and appointed as Assistant Commercial Clerk on regular basis after undergoing training at ZRTI and now without giving/serving notice, the respondents have reduced his Grade Pay, which is illegal. The respondent department have admitted their fault as per Annexure A-10 letter dated 18.01.2017 to the fact that due to some mistake, the appointment letter has been

issued to the applicant on the basis of his qualification as 10th Pass, whereas the minimum educational qualification for appointment to the post of Assistant Commercial Clerk is 10+2.

4. The applicant submits that subsequently he has passed 10+2 examination in the year 2018 (Annexure A-11). He represented the matter vide Annexure A-13 dated 17.06.2018 for again posting him as Assistant Commercial Clerk. However, the same has not been decided yet.

5. At this stage, learned counsel for the applicant submits that applicant may be granted liberty to make a fresh representation for redressal of his grievances raised in this Original Application and the respondents, in turn, may be directed to consider and decide the same in a time-bound manner.

6. I am of the view that the submission made by learned counsel for the applicant is reasonable and genuine. Therefore, without entering into the merits of the case, this Original Application is disposed of at the admission stage itself with liberty to the applicant to file a fresh representation within a period of 15 days from today. On receipt of such representation,

the competent authority of the respondent department shall consider and decide it within a period of 60 days thereafter. Needless to say that the representation shall be decided as per law and reasons should be reflected therein.

(Ramesh Singh Thakur)
Judicial Member

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