

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.53/2014.

Date of Decision: 17.01.2019.

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

Shri Premkumar Hiraman
 Age 51 years, working as Office
 Superintendent-II (Under reversion)
 in the office of Chief Works Manager
 (Electric Locomotive Workshop)
 Central Railway at Bhusawal.
 R/at Surajkund Ward No.03, Near
 Water tank no.5, House No.50,
 Khandwa (M.P) 450 001. ... *Applicant*
(By Advocate Shri R.S. Raybhole)

VERSUS

1. Union of India, through
 The General Manager, Central Rly.
 Head Quarters Office, Mumbai
 CST Mumbai 400 001.
2. The Divisional Railway Manager,
 Personnal Branch Central Railway,
 Bhusawal Dist. Jalgaon. 425 201.
3. Chief Works Manager,
 (ELW) Central Railway at Bhusawal
 - 425 201.
4. Shri Pawan Kumar Singh
 (Ex Goods Guard) presently working
 as Head Clerk in the office of Sr. Divisional
 Electric Engineer (TRD) Central Railway
 Bhusawal, Dist. Jalgaon – 425 201.
5. Shri Vithal Murlidhar Jadhav
 (Ex Goods Guard) presently working as
 Head Train Clerk under Station Manager,
 Nandgaon, Dist. Nasik – 423 106. ... *Respondents*
(By Advocate Shri V.S. Masurkar)

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

Heard the learned counsels for the parties.

2. The Applicant who is stated to be working as Office Superintendent-II under the respondents has challenged the order dated 14.01.2014 passed by the Respondent No.3 (Annex. A-2) and has made the following prayers in the OA;

“8.a) This Hon'ble Tribunal will be pleased to call the records of the case which led to issuance of the impugned order dated 06.01.2014 and 14.01.2014 and after going through its propriety, legality and constitutional validity, be pleased to quash and set aside the impugned order dated 06.01.2014 and 14.01.2014 by which the applicant is reverted from the post of Office Superintendent Gr.II GP Rs.4200/- to the post of Sr. Clerk. GP Rs.2800/- with all consequential benefits of seniority, promotion payment arrears, etc.

8.b) Cost of this original application be provided for.

8.c) Any other and further orders as this Hon'ble Tribunal may deem fit, proper and necessary in the facts and circumstances of the case.”

3. In response to the notices issued in the matter, the respondents have filed reply to the OA. In para 4.4 and para 4.5 of the OA, the applicant has specifically alleged that similarly situated persons vis-a-vis

him such as Shri Vithal Murlidhar Jadhav and another are working on the same post but they have not been reverted. In reply to the said assertions of the applicant, the respondents have very categorically stated in para 11 of their reply as under;

"11. With reference to para 4.4 to 4.5 of the Original Application, the respondents submit that as per Railway Board letter dated 30.04.14, corrective measures are being taken against all the similarly situated medically declassified employees by fixing his pay by giving weightage of element of running post but his grade will remain the same.

4. In view of the aforesaid, it is evident that the respondents are already in the process of taking remedial action in the matter. In view of the above, the learned counsel for the applicant submits that the applicant would be satisfied if the OA is disposed of with direction to the respondents to take the remedial action, in a time-bound manner, particularly keeping in view their own assertions in para 11 of the reply, as noted above.

5. In view of the aforesaid, the OA is disposed of with direction to the respondents to take a final decision in terms of their assertions in para 11 of

their reply noted herein above and communicated their such decision to the applicant within eight weeks of receipt of certified copy of this order.

6. 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.