

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION No.690/2013

Date of Decision: 06th March, 2019

CORAM: R. VIJAYKUMAR, MEMBER (A)
RAVINDER KAUR, MEMBER (J)

Shri Dilip Waman Patil,
Age 49 years, working as Sr. Permanent
Way Supervisor (Under Reversion)
in the Office of Dy. Chief Engineer
(Construction), Bhusaval,
residing at Vidya Nagar,
Opp. Rail Duniya Bldg.,
Dist. Jalgaon, Pin 425 201. ... **Applicant**

**(By Advocate Shri Vishal Shirke, proxy
counsel for Shri S.V. Marne)**

VERSUS

1. Union of India
Through the General Manager,
Central Railway,
Head Quarters Office,
Mumbai CST, Mumbai - 400 001.
2. The Divisional Railway Manager,
Personnel Branch,
Central Railway,
Bhusaval, Dist. Jalgaon - 425 201.
3. The Dy. Chief Engineer (Construction),
Central Railway,
Bhusaval Division,
Bhusaval,
Dist. Jalgaon - 425 201. ... **Respondents**

(By Advocate Shri V.D. Vadhavkar)

ORDER (ORAL)**PER: R. VIJAYKUMAR, MEMBER (A)**

This application has been filed by the applicant on 19.11.2013 under Section 19 of the Administrative Tribunals Act, 1985 seeking 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 quashed and set aside the impugned orders dated 11.11.2013 and 13.11.2013 with all consequential benefits.

(b) Costs of the application be provided for.

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

2. The applicant was reverted in office orders No.61/2013 dated 11.11.2013 from the post of Senior Permanent Way Supervisor to his original post of Trackman/Khalasi. It was brought to attention at the time of Admission that no show cause notice had been issued to the applicant before issuing the impugned order and on this basis, the interim stay had been given on 20.11.2013 and continuance till today.

3. It is a fact admitted by the respondents that no show cause notice was actually issued following which reply could have been furnished by the applicant and a

speaking order issued by the respondents by which this Tribunal could have conducted a judicial review of the order. This has also not been done subsequently.

4. In the circumstances, a direction shall issue to the respondents to immediately consider and issue a show cause notice to the applicant and to obtain his reply. The applicant is directed to file his reply within two weeks of receipt of such a show cause notice upon which the respondents are directed to pass a reasoned and speaking order within four weeks thereafter and to communicate it to the applicant in two weeks from the date of passing such a speaking order.

5. This Original Application is disposed of in terms of the above without any order as to costs.

6. It is also made clear that the reversion order issued in respect of the applicant shall not be given effect to until passage of the speaking order discussed above.

(Ravinder Kaur)
Member (J)

(R. Vijaykumar)
Member (A)

