

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.210/106/2019

Dated this Friday, the 08th day of February, 2019

**CORAM: DR. BHAGWAN SAHAI, MEMBER (A)
R.N. SINGH, MEMBER (J)**

Shri Abhishek R. Bhargava, age 51 years,
S/o Rameshchandra Bhargava
working as Chief Depot Material Superintendent,
C/o Senior Material Manager (EMU),
Mahalaxmi, Mumbai 400 011,
Residing at: G-1A, Nirmala Co-operative Hsg. Soc. Ltd.,
Om Nagar, Opp. Gayatri Mandir, Vasai (West),
Dist. Palghar, Pin 401 202.
(By Advocate Shri S.V. Marne)

VERSUS

1. Union of India, Through the General Manager,
Western Railway Headquarters Office,
Churchgate, Mumbai 400 001.
2. The Deputy Chief Materials Manager,
Stores Department, Western Railway,
Mahalaxmi, Mumbai 400 011.
3. Shri Gajdhar Prasad, Chief Office Superintendent,
Western Railway Head Quarters,
Churchgate, Mumbai 400 020.
4. Shri Kamal Kumar Meena
Chief Office Superintendent,
In the office of Deputy Chief Materials Manager,
Stores Department, Western Railway,
Mahalaxmi, Mumbai 400 011. **Respondents**

ORDER (Oral)

Per : Dr. Bhagwan Sahai, Member (Administrative)

Heard the learned counsel for the applicant.

2. The applicant who is working as Chief Depot Materials Superintendent under the respondents has challenged the memorandum dated 16/17.05.2018 (Annex A-1) by which the seniority of the applicant is stated to have been wrongly fixed. He is being ignored in the matter of further promotion and he is aggrieved by the same. The applicant is stated to have made representation dated 15.12.2018 (Annex A-8). The learned counsel for the applicant submits that the same is still pending with the respondents for consideration.

3. The learned counsel for the applicant further submits that vide their own letter dated 24.12.2018 (Annex A-14), the respondents have given a liberty to all the concerned to make representations through proper channel by 31.12.2018 and in response thereto the applicant has made the representations on 29.12.2018 (Annex A-15) i.e. well in time stipulated by the respondents and also on 21.01.2019.

4. Ignoring this fact, the respondents have gone ahead in the matter of promotion by conducting the selection process for the

promotional post vide their communication dated 31.12.2018 (Annex A-14 page 55).

5. In the aforesaid background, the applicant has prayed for 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 quash and set aside the Memorandum dated 16/17.05.2018 to the extent it denies promotion and seniority to the Applicant on the post of Depot Material Superintendent-I w.e.f. 01.11.2003, Note dated 18.12.2018 as well as Panel dated 17.01.2019 to the extent it does not include the name of the Applicant therein.

b. This Hon'ble Tribunal may further be pleased to direct the Respondents to assign seniority to the Applicant in the grade of Depot Material Superintendent-I, w.e.f. 01.11.2003 and consequently revise the integrated seniority of the Applicant prepared for holding selection for promotion on the post of Assistant Materials Manager in 70% quota and include the name of the Applicant in the Panel dated 17.01.2019 and consequentially promote him to the post of Assistant Materials Manager, w.e.f. 17.01.2019 with all consequential benefits.

c. Costs of the application be provided for.

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

6. Issue notice to the respondents.

7. At this stage, Shri S.Ravi, learned Standing counsel appears and accepts notice on behalf of the respondents Nos.1 and 2.

8. At this stage, the learned counsel for the applicant submits that the applicant

will be satisfied if the OA is disposed of at the admission stage itself with a direction to the respondents to consider his aforesaid pending representations and dispose them of by passing a speaking and reasoned order in time-bound manner. To this, the learned counsel for the respondents Nos.1 and 2 has got no objection.

9. In the aforesaid facts and circumstances, the OA is disposed of with direction to the respondents to consider the aforesaid pending representations dated 15.12.2018 and also the other dated 29.12.2018 and 21.01.2019 (Annex A-15) within a period of eight weeks from the date of receipt of certified copy of this order.

10. In the aforesaid terms, the OA is disposed of.

□

(R.N. Singh)
Member (Judicial)

kmg*

JWD
C
18/12

(Dr. Bhagwan Sahai)
Member (Administrative)