

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION NO.576/2019

Dated this Wednesday the 28th day of August, 2019

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

1. Mr. Rahul Arun Dayama,
Age 39 years, Son of Arun Dayama
Working as CCOR - DRM (C),
Central Railway, Bhusaval,
Residing at : Bal Rajeshwar Nagar,
2nd Phase, Rahul Apartment,
Bhusaval, Dist. Jalgaon. 425201

2. Mr. N. R. Rathod,
Age 42 years,
Working as Sr. Commercial Inspector,
Central Railway, Bhusaval,
Residing at : 9 B, Asthavinayak Colony,
Near Tillu Bhai Garage,
Bhusaval, Dist. Jalgaon. 425201

3. Mr. Anand Anil Gangwde
Age 36 years,
Working as SGC,
Central Railway, Bhusaval,
Residing at : Bapu Bungalow,
Jay Bhavani Gymkhana,
Shivaji Nagar No. 1, Sangle Wasti,
Manmad 423 104.

4. Mr. Kiransingh Ajabsingh Nikam,
Age 33 years,
Working as Chief Booking Clerk,
Central Railway, Bhusaval,
Residing at : Amarnath Nagar,
Janur Road,
Bhusaval, Dist. Jalgaon. 425201

5. Mr. Abraham Gulzar Tadal,
Age 49 years,
Working as CCOR / BSL,
Central Railway, Bhusaval,
Residing at : Panchshil Nagar,
Bhusaval, Tal. Bhusaval,
Dist. Jalgaon. 425201

6. Mr. S. T. Sapkale,
Age 39 years,
Working as Commercial Inspector,
Central Railway, Bhusaval,
Residing at : Mohit Nagar,
Jalgaon Road,

Bhusawal, Dist. Jalgaon. 425201

7. Mr. Dhanajay Majumdar,
Age 30 years,
Working as Sr. Goods Clerk,
Central Railway, Bhusaval,
Residing at : Plot No. 9, Shambaji
Nagar, Varangaon Road,
Opp. Nahata Dal Mill,
Bhusawal, Dist. Jalgaon.

8. Mrs. Swapnali S. Ghodke,
Age 35 years, Wife of Sandip Ghodke,
Working as CPC (Parcel Office) B2,
Central Railway, Bhusaval,
Residing at : Datta Nagar,
Wanjola Road,
Bhusawal, Dist. Jalgaon.

9. Rajendra S. Pa.....
Age 45 years,
Working as Commercial Instructor,
Central Railway, Bhusaval,
Residing at : Plot No. 13,
Bhusaval Colony, J. L. Road,
Bhusawal, Dist. Jalgaon.

10. Mr. Yogesh P. Dongare
Age 46 years, Son of Padmakar
Dongare,
Working as Sr. Commercial Inspector,
Central Railway, Bhusaval,
Residing at : 18th Ganesh Colony,
Near Ganesh Temple, Jalgaon Road,
Bhusawal, Dist. Jalgaon.

11. Mr. Tanveer Alam Mehmoor Alam,
Age 24 years,
Working as Sr. Commercial Clerk
Central Railway, Bhusaval,
Residing at : Khadka Road,
Gunjal Colony,
Bhusawal, Dist. Jalgaon 425 201.

12. Mr. Rajesh Balu Joshi,
Age 42 years, Son of Balu Joshi,
Working as SGC,
Central Railway, Bhusaval,
Residing at: 11 Gajanan Apartment,
Near Prabhakar Hall,
Bhalchandra Nagar,
Bhusawal, Dist. Jalgaon 425 201.

13. Mr. Pritam N. Rane,
Age 33 years, Son of Narendra Rane.
Working as Commercial Inspector,
Central Railway, Bhusaval,
Residing at: Gadkari Nagar,
Khadka Road,

Bhusawal, Dist. Jalgaon.

14. Mr. Kishor P. Chaudhari,
Age 42 years, Son of Prakash
Chaudhari,
Working as CCOR, DRM (C),
Central Railway, Bhusaval,
Residing at : Municipal Park,
Sawarkar Road,
Bhusawal, Dist. Jalgaon.

15. Mrs. Vaishali B. Patil
Age 33 years,
Working as Commercial Inspector,
Central Railway, Bhusaval,
Residing at: C/o B. R. Patil,
Mahendra Nagar, Pahur, Kasbe,
Tal. Jamner, Dist. Jalgaon.

16. Ms. Priya Avinash Patole,
Age 29 years,
Working as SGC,
Central Railway, Bhusaval,
Residing at : Amogh Apartment,
Sharda Nagar,
Bhusawal, Dist. Jalgaon 425 201

17. Ms. Vijaya S. Pandav,
Age 33 years,
Working as Sr. Parcel Clerk,
Central Railway, Bhusaval,
Residing at : Ganesh Colony,
Bhusawal, Dist. Jalgaon.

18. Mr. S. T. Rane
Age 58 years,
Working as Chief Goods Clerk KMN
Central Railway, Bhusaval,
Residing at : Manali Nagar,
Nandurg, Near Police Quarters,
Dist. Buldhana.

19. Mr. Pramod B. Bharambe,
Age 41 years,
Working as Chief Parcel Clerk,
Central Railway, Bhusaval,
Residing at: Behind Mali Bhavan,
Tukaram Nagar, NH No. 6,
Bhusawal, Dist. Jalgaon.

20. Mr. Chandansingh D. Varmu
Age 32 years,
Working as Booking Clerk,
Central Railway, Bhusaval,
Residing at: Bhusawal, Dist. Jalgaon.

21. Mr. Laxman P. Shelate,
Age 53 years,
Working as Parcel Office,

Central Railway, Bhusaval,
Residing at : Bhusaval.

22. Mr. Milind B. Salunkhe
Age 45 years,
Working as CPC,
Central Railway, Bhusaval,
Residing at: Shantinath Nagar,
Block No. 9/A, Behind Prabhat
Colony, Bhusawal, Dist. Jalgaon.

23. Mr. G. Y. Rao
Age 53 years,
Working as CBC AK,
Central Railway, Bhusaval,
Residing at : Gaddam Plot Last Lane,
Near Chandak Mangal Karyalaya,
Akola, Dist. Akola.

24. Mr. C. R. Fadnis
Age 32 years,
Working as Sr. Goods Clerk
Central Railway, Bhusaval,
Residing at: Purshottam Nagar,,
Near Gayatri Mandir,
Bhusawal, Dist. Jalgaon.

25. Mr. Hijha Bhaskar Koli,
Age 34 years,
Working as CBC,
Central Railway, Bhusaval,
Residing at : Tukaram Nagar,
Behind Mali Bhavan,
Near Jagrut Hanuman Mandir,
Bhusawal, Dist. Jalgaon.

26. Ms. Sharda Parshram Waghmare,
Age 40 years,
Working as CBC,
Central Railway, Bhusaval,
Residing at : Jetvan Budha Vihar,
Ambedkar Nagar,
Bhusawal, Dist. Jalgaon.

27. Ashok Chokha More,
Age 34 years
Working as CBC,
Central Railway, Bhusaval,
Residing at: Bhima Colony,
.....Vihar,
Bhusawal, Dist. Jalgaon.

28. Rehna Asghari,
Age 42 years,
Working as CBC,
Central Railway, Bhusaval,
Residing at : RB II, 605 A,
15 Block,
Bhusawal, Dist. Jalgaon.

29. Miss. Sangita Nandlal Kaithwas
Age 45 years,
Working as CBC,
Central Railway, Bhusaval,
Residing at : Behind Ambedkar School,
Near Railway North Colony,
Bhusaval, Dist. Jalgaon.

30. Shaikh Ahmad Abdul Hamid,
Age 37 years,
Working as TRC
Central Railway, Bhusaval,
Residing at: Sagar Park,
Khadka Road,
Bhusaval, Dist. Jalgaon.

31. Lina S. Bonde,
Age 33 years,
Working as SBC,
Central Railway, Bhusaval,
Residing at : Sidheshwar Nagar,
Near Anand Nagar,
Bhusaval, Dist. Jalgaon.

32. Dezmona Davza,
Age 50 years,
Working as CBS (W),
Central Railway, Bhusaval,
Residing at : Plot No. 48,
Sambhaji Nagar, 15 Blocks,
Bhusaval, Dist. Jalgaon.

33. Rahul Ramkishan Purohit,
Age ... years,
Working as SGC,
Central Railway, Chalisgaon,
Residing at : Ballaleshwar Colony,
Sahakar Nagar,
Bhusaval, Dist. Jalgaon.

34. Vinayak Raghunath Awasaramal,
Age 51 years,
Working as SGC,
Central Railway, DRM, Bhusaval,
Residing at : 15th Block, RB II, 1078 E,
Bhusaval, Dist. Jalgaon.

35. Archana Yuvraj Patil,
Age 36 years,
Working as CBC,
Central Railway, DRM, Bhusaval,
Residing at : Block No. 7, New MHADA
Colony, Wanjola road, Near Mirchi
Ground,
Bhusaval, Dist. Jalgaon.

36. Rajesh Madhukar Patil,

Age 35 years,
Working as Sr. CBC,
Central Railway, DRM Bhusaval,
Residing at: Yashdhara Nagar,
Bhusaval, Dist. Jalgaon.

37. Rupesh Kamalakar Jawale,
Age 29 years,
Working as
Central Railway, DRM Bhusaval,
Residing at : Near Bus Stand Bamnod,
Tal. Yawal, Bhusaval, Dist. Jalgaon.

38. Mukund P. Patil.
Age 37 years,
Working as SGC,
Central Railway, Bhusaval,
Residing at: Gandhi Nagar,
Bajrang Colony, Patil Bldg.,
Plot No. 21,
Bhusaval, Dist. Jalgaon.

39. Deepak S. Bhamere,
Age 45 years,
Working as CGC,
Central Railway, Bhusaval,
Residing at : Gadkari Nagar,
Khadka Road,
Bhusaval, Dist. Jalgaon.

40. Vinay Ashok Ekhe,
Age 45 years,
Working as CCOR,
Central Railway, Bhusaval,
Residing at: Professor Colony,
Near Kal Bhairav Mandir,
Bhusaval, Dist. Jalgaon.

41. Manish Suresh Arak
Age 36 years,
Working as CCOR,
Central Railway, Bhusaval,
Residing at : New Idgah Muslim Colony,
Khadka Road, Khadka Shivar,
Bhusaval, Dist. Jalgaon.

42. Aman M.. Baste,
Age 21 years,
Working as TRC,
Central Railway, Bhusaval,
Residing at : Near Railway Hospital,
Haddiwalli Chawl, Qtr. No. 581 D.
Bhusaval, Dist. Jalgaon.

43. Kiran Ramesh Chabukswar,
Age 58 years,
Working as BC,
Central Railway, Bhusaval,
Residing at : HO Colony Kandri,

Ambedkar Nagar,
Bhusawal, Dist. Jalgaon.

44. Arfa Sultana Md. Harun,
Age 44 years,
Working as CBC,
Central Railway, Bhusaval,
Residing at : Khadka Road,
Near Raza Tawar,
Bhusawal, Dist. Jalgaon.

45. Smita P. Shelke,
Age 54 years,
Working as SBC,
Central Railway, Bhusaval,
Residing at : Samta Nagar,
Bhusawal, Dist. Jalgaon.

46. Aruna Sunil Patil.
Age 39 years,
Working as.....,
Central Railway, Bhusaval,
Residing at : Ordnance Factory,
Varangon.

47. Kamlakar Bhagwan Thakur,
Age 43 years,
Working as CBC,
Central Railway, Bhusaval,
Residing at : Ayodhya Nagar,
Jalgaon Road,
Bhusawal, Dist. Jalgaon.

48. Swati S. Sonawane,
Age 41 years,
Working as CBC,
Central Railway, Bhusaval,
Residing at : Lilai Nagar, ZBTI
Bhusawal, Dist. Jalgaon.

49. Nitin Pratap Valvi,
Age 44 years,
Working as CBC,
Central Railway, Bhusaval,
Residing at : E/5, Narayan Housing
Soc.,
Behind Dr. Khachane Hall,
Bhusawal, Dist. Jalgaon.

50. Rohitkumar A. Mehra,
Age 32 years,
Working as CI,
Central Railway, Bhusaval,
Residing at : Khandari Plot,
Near Hanuman Temple,
Bhusawal, Dist. Jalgaon.

51. Shaikh Imran Shaikh Kadir
Age 36 years,
Working as SBC,
Central Railway, Bhusaval,
Residing at :21/3, Plot No. 52,
Aqsa Nagar, Khadka,
Bhusawal, Dist. Jalgaon.

52. Ranjeet R. Yadav,
Age 31 years,
Working as CCOR,
Central Railway, Bhusaval,
Residing at : Gokul Nagar,
Plot No. 27, Pooja Complex,
Bhusawal, Dist. Jalgaon.

53. Vaishali P. Kale,
Age 39 years,
Working as CGC,
Central Railway, Jalgaon,
Residing at : Mohit Nagar,
Near Sai Baba Mandir,
Bhusawal, Dist. Jalgaon.

54. Umesh A. Wade,
Age 32 years,
Working as CGC,
Central Railway, Jalgaon,
Residing at : Plot No. 122,
Pandu Narang Nath Nagar,
Bhusawal, Dist. Jalgaon.

55. Sunita M. Patil.
Age 43 years,
Working as CGC,
Central Railway, Jalgaon,
Residing at : Juna Nashirabad Road,
Ganesh Apartment, Near Yogeshwar,
Bhusawal, Dist. Jalgaon.

56. B. M. Tulaskar,
Age 33 years,
Working as SBC,
Central Railway, Bhusaval,
Residing at: 7, Radhakrishna Nagar,
Jalgaon 425 001

57. Nilesh Patil.
Age 29 years,
Working as SBC,
Central Railway, Bhusaval,
Residing at : Satyam Nagar,
Plot No. 48/2,
Jalgaon 425 001

58. Pawan U Pardeshi.
Age 25 years,
Working as TRC,
Central Railway, Bhusaval,

Residing at : Near Loco Shed,
Halidiwali Chawl, RB.I 649/D,
Bhusawal, Dist. Jalgaon.

59. Harshal S. Sapkale,
Age 27 years,
Working as BC,
Central Railway, Jalgaon,
Residing at : Nivrutti Nagar,
Plot No. 27,
Bhusawal, Dist. Jalgaon.

60. Sanjay R. Ingale,
Age 45 years,
Working as CGC,
Central Railway, Bhusaval,
Residing at : Varangaon Road,
Kandari Shiv,
Bhusawal, Dist. Jalgaon.

61. Hemant P. Mehra,
Age 30 years,
Working as SBC,
Central Railway, Bhusaval,
Residing at : Shanti Nagar,
Bhusawal, Dist. Jalgaon.

62. Jagdish Bhaurao Gurme,
Age 52 years,
Working as CBC,
Central Railway, Jalgaon,
Residing at : Sakegaon,
Tal. Bhusawal, Dist. Jalgaon.

63. Bharat Ganesh Damade,
Age 29 years,
Working as TRC,
Central Railway, Jalgaon,
Residing at : Dwarka Nagar,
Near Santosh Kirana Shop,
Bhusawal, Dist. Jalgaon.

64. Nirmala D. Verma,
Age 35 years,
Working as TRC,
Central Railway, Jalgaon,
Residing at: 130, Pratappura Nagar,
Jhansi.

65. Bhavna P. Chaudhari,
Age 43 years,
Working as TRC,
Central Railway, Jalgaon,
Residing at : Plot No. 16, G. 31/2,
Muktai Nagar Colony,
Bhusawal, Dist. Jalgaon.

66. Sunanda Darekar,
Age 54 years,

Working as CBC,
Central Railway, Jalgaon,
Residing at : Plot No. 314,
Radhakrishna Nagar,
New Kanalda Road,
Bhusawal, Dist. Jalgaon.

67. D. S. Ambekar,
Age 53 years,
Working as CBC,
Central Railway, Jalgaon,
Residing at : 397 Jay Kishnwalli,,
Navi Park,
Bhusawal, Dist. Jalgaon.

68. Priti P. Bhavsar,
Age 53 years,
Working as SBC,
Central Railway, Jalgaon,
Residing at : Indraprasta Nagar,
Onkar Apartment,
Bhusawal, Dist. Jalgaon.

69. Mamta Parag Sarode,
Age 37 years,
Working as CPC,
Central Railway, Jalgaon,
Residing at : 30/5, Saraswati
Nagar, Bhusawal, Dist. Jalgaon.

70. Hemraj Divakar Badh...
Age 48 years,
Working as CBC,
Central Railway, Bhusaval,
Residing at: Janer Road
Bhusawal, Dist. Jalgaon.

71. Pradeep Manohar Sawale,
Age 40 years,
Working as CCOR,
Central Railway, Bhusaval,
Residing at :15th Block, RB II
1061 (H), Bhusawal, Dist. Jalgaon.

72. Archana Nilesh Temburnikar,
Age 42 years,
Working as CCOR,
Central Railway, Bhusaval,
Residing at : ANS Services, In front of
Vikas Photo Studio, Yawal Road,
Bhusawal, Dist. Jalgaon.

73. Pravin J. Sharma,
Age 33 years
Working as CBC,
Central Railway, Bhusaval,
Residing at : RB II, 1013, B 15 Block
Bhusawal, Dist. Jalgaon.

74. Pravin Ramesh Bhalerao,
Age 37 years,
Working as CC,
Central Railway, Bhusaval,
Residing at : 370/9, Mahadev Nagar,
Bhusaval, Dist. Jalgaon.

75. S. D. Naitam,
Age 57 years,
Working as CBC,
Central Railway, Bhusaval,
Residing at : Row House No. B-2,
Near Rajrajeshwari Hall, Kruishna Park,
Jail Road, Nasik Road,
Bhusaval, Dist. Jalgaon.

76. Ganesh Bhimrao Jadhav,
Age 27 years,
Working as CBC,
Central Railway, Patil Galli Nandagac
Nashik 423 106.

77. Akash Dilip Kumre,
Age 21 years,
Working as CC,
Central Railway, Bhusaval,
Residing at : HUDCO, Sanarkar Nagar,
Bhagyadeep Colony,
Bhusaval, Dist. Jalgaon.

78. Sonali Bharat Aher,
Age 25 years
Working as CC,
Central Railway, Bhusaval,
Residing at : Filter House, Rly Colony,
RBI 783, Manmad 423 104.

79. K.T. Narian,
Age 40 years,
Working as CPC,
Central Railway, Bhusaval,
Residing at : Durgeshwari Aprt.,
UP Nagar, Nasik Road.

80. Siddeshwar Ulhas Shaharkar,
Age 32 years,
Working as CPC,
Central Railway, Bhusaval,
Residing at : Near Cholta Gurudwara,
Manmad 423 104, Dist. Nasik

81. Upendra Kumar Sah,
Age 35 years,
Working as TRC Comm. Clerk
Central Railway, Bhusaval,
Residing at : Shantinagar,
Manmad, Dist. Nasik.

82. Manoj D. Borse,
Age 30 years,
Working as CC,
Central Railway, Bhusaval,
Residing at : At Post Sakane Teh,
Nandagaon, Dist. Nasik.

83. Jitendra Laxman Jadhav,
Age 34 years,
Working as CBC,
Central Railway, Manmad,
Residing at : C-01, Balaji Twin Buglow,
Parijat Nagar, Jail Road,
Nasik Road

84. Ritesh Ramdas Palshkar,
Age 32 years,
Working as CPC,
Central Railway, Bhusaval,
Residing at : Near St. Xavier High
School, Camp No. 1, Yeola Road,
Tal. Ngn, Dist. Nasik.

85. Vivek S. Bhalerao,
Age 47 years,
Working as Chief Comm. Inspector,
Central Railway, Bhusaval,
Residing at : 26, Sanjeet HO,
SO Manmad, Dist. Nasik

86. Mahesh Suresh Mali,
Age 36 years,
Working as SPC,
Central Railway, Manmad,
Residing at : Swami Vivekanad Nagar,
Nandgaon, Pin 423 106.

87. Prabhat K. Raikwar,
Age 47 years,
Working as :Sr. GC MMR
11/101 Bldg. Vidhi Complex,
Gauripada Road,
Kalyan (West).

88. Ganesh S. Pawar,
Age 26 years,
Working as TRC,
Central Railway, Manmad
Residing at : Shri Harinaman Appt.,
B/h Prakash Traders,
Jail Road, Nasik 422 101.

89. Rajesh P. Sapkale,
Age 45 years,
Working as CPC MMR,
Central Railway, Bhusaval,
Residing at : Radhakrishna Nagar,
Near S. Koli Mill,
Shivaji Nagar, Dist. Jalgaon.

90. Umesh W. Madhe,
Age 40 years,
Working as CBC,
Central Railway, Manmad,
Residing at : Manke Compound,
Manmad, Dist. Nasik.

91. Anesh P. Rajput,
Age 30 years,
Working as CC,
Central Railway, Bhusaval,
Residing at : Nasik Road
Jail Road.

92. Ananta Puna Patil.
Age 43 years,
Working as CPC,
Central Railway, MMR,
Residing at : Nilambari Appt.,
Flat No. 07, Jail Road,
Nasik Road, Nasik

93. Kapil Dnyandev Atravalkar,
Age 32 years,
Working as TRC,
Central Railway Manmad,
Residing at : Dropadi Nagar,
Near Primpvla Road,
Jalgaon, Dist. Jalgaon.

94. Yogita Paul Cato,
Age 34 years,
Working as CBC,
Central Railway, Bhusaval,
Residing at : Camp No. 2,
Opp. Old Post Office,
Yeola Road, Manmad.

95. Snehal Keada Sonawane,
Age 35 years,
Working as CPC,
Central Railway, MMR,
Residing at: A/P Dugaon,
Tal. Chandwad, Dist. Nasik.

96. P.D. Sonawane,
Age 51 years,
Working as CGC,
Central Railway, Shirud
Residing at : suwarna Thani Nagar,
Chalisgaon, Pawarwadi,
Chalisgaon.

97. Roque Anebrew Davids
Age 27 years,
Working as SBC,
Central Railway, Bhusaval,
Residing at : Qtr. No. G-105, ...
Behind Saerad Heart Church,

Bhusawal, Dist. Jalgaon.

98. Nishikant M. Chaudhari,
Age 48 years,
Working as Sr. BC,
Central Railway, Bodwad,
Residing at: Shanti Na'gar,
Plot No. 09
Bhusawal, Dist. Jalgaon.

99. Nitin M. Gandhi,
Age 44 years,
Working as Chief Goods Clerk
Central Railway, Bhusaval,
Residing at : Megh Malhar Society
Opp. Navnath Temple,
Varangaon Road,
Bhusawal, Dist. Jalgaon.

100. Ashwin M. Ingle,
Age 35 years,
Working as SPC,
Central Railway:Savda,
Residing at : Sahakar Nagar,
Behind Technical High School,
Bhusawal, Dist. Jalgaon.

101. Vidya Y. Pardeshi
Age 43 years,
Working as CPC,
Central Railway, Bhusaval,
Residing at : Plot No. 3,
Gandhi Nagar,
Bhusawal, Dist. Jalgaon.

... *Applicants*

(*By Advocate Shri Vicky Nagrani*)

VERSUS

1. Union of India,
Through the Secretary,
Ministry of Railways
Railway Board
Rail Bhawan,
New Delhi- 110 001

2. The General Manager
Central Railway CSTM
H.O. Mumbai - 400 001

3. The Divisional Railway
Manager
Central Railway
Bhusawal Division
Bhusawal - 425 20

... *Respondents*

ORDER

PER: RAVINDER KAUR, MEMBER (J)

When the case is called out for Admission, we have heard Shri Vicky Nagrani, learned counsel for the applicants.

2. MA No.533/2019 filed by the applicants for Joint Petition is allowed.

3. This application has been filed by the applicants 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 quash and set aside the orders dated 07.06.2018, 29.08.2018 and 05.08.2019 with all consequential benefits.

(b) This Hon'ble Tribunal be further pleased to direct the respondents, not to segregate the Commercial Inspector cadre from Commercial Clerk cadre as and retain seniority groups as per pre 22.02.2018 position as envisaged in Railway Board letter dated 05.04.2019.

(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."

4. It is the case of the applicants that the applicants are borne in the cadre of Commercial Inspector in the commercial department in Bhusawal Division. They rely upon the IREM Volume I Para 128 to the effect that the post of Commercial Inspector is a part of commercial clerk cadre and therefore

the seniority is to be maintained in commercial clerk and commercial supervisor. In pursuance to the recommendations of 7th Pay Commission, the Railway Board issued order dated 22.02.2018 merging the three categories of posts in commercial department and issued revision in cadre, structure and staffing pattern. Vide order dated 07.06.2018, the Railway Board directed the process of merger of Commercial clerk ECRC and ticket checking cadre but respondent No.3 inadvertently without any instructions directed that before the exercise is carried out for merging both the cadres, the exercise of initiating separate seniority to be assigned to Commercial Inspector for which the Commercial Inspector cadre has to be separated from the commercial clerk cadre.

5. It is claimed that the respondent No.2 while wrongly interpreting the Railway Board order dated 22.02.2018 issued a direction to respondent No.3 to reduce the post as specified in column 4 of the table of letter dated 29.08.2018 from the sanctioned strength of commercial clerk from their respective divisions to form separate cadre for Commercial Inspector.

6. In this regard, the applicants preferred representation dated 07.03.2019 strongly objecting to the separation of Commercial Cadre by exclusively granting separate seniority and posting to the cadre of Commercial Inspectors. It is submitted by the applicants that the respondent No.3 has initiated the process of segregating the cadre of Commercial Inspector and to issue their final seniority list.

7. Vide present OA, the applicants have sought quashing and setting aside of the orders dated 07.06.2018, 29.08.2018 and 05.08.2019 (i.e. the result of the suitability test for the post of CCI based on screening of APAR's) respectively with all consequential benefits. They have further sought direction to the respondents not to segregate the Commercial Inspector cadre from Commercial Clerk and to retain seniority groups as per pre 22.02.2018 position in terms of Railway Board letter dated 05.04.2019.

8. Learned counsel for the applicants has prayed for interim relief to stay the operation of the impugned orders referred above during the pendency of the OA.

9. We have carefully gone through the pleadings and material available on record. It is observed that the representation dated 07.03.2019 preferred by the applicants objecting to the separation of Commercial clerk is still pending disposal with the respondents. It would meet the ends of justice, if necessary directions are issued to the respondents. Consequently, the respondent No.3 is hereby directed to dispose of the representation dated 07.03.2019 of the applicants within a period of two weeks from the date of receipt of certified copy of this order and to communicate the same within a period of one week thereafter.

10. Till such order is communicated to the applicants, the respondents are directed not to give effect to the impugned orders during this period.

11. With these directions, the Original Application is disposed of. No order as to costs.

(Ravinder Kaur)
Member (J)

(R. Vijaykumar)
Member (A)

ma.

*JD
29/8/18*