
(2021) 03 CAT CK 0034

In the Central Administrative Tribunal

Case No : Original Application No. 541 Of 2021, Miscellaneous Application No. 670 Of 2021

Joginder Singh & Others

APPELLANT

Vs

Ministry Of Railway & Others

RESPONDENT

Date of Decision : 09-03-2021

Acts Referred:

Citation : (2021) 03 CAT CK 0034

Hon'ble Judges : A. K. Bishnoi, Member (A); R.N. Singh, J

Bench : Division Bench

Advocate : Manjeet Singh Reen, Krishan Kant Sharma

Final Decision : Disposed Of

Judgement

R. N. Singh, Member (J)

1. The applicants have approached this Tribunal praying therein for the following reliefs :-

"8.1 That this Hon'ble Tribunal may graciously be pleased to allow the present Original Application and set-aside the impugned order dated 22.02.2018 (Annexure A-1), qua the applicants, impugned provisional seniority list dated 01.01.2021 (Annexure A-2) qua the applicants, order dated 02.02.2021 (Annexure A-3) & order dated 24.02.2021 (Annexure A-4) with all consequential benefits.

8.2 That this Hon'ble Tribunal may graciously be pleased to allow the present Original Application, set-aside the impugned provisional seniority list dated 01.01.2021 for the post of Sr. Commercial Clerk Cum/Ticket Examiner pursuant to merger of grades in light of RBE No.28/2018 with all consequential benefits.

8.3 That this Hon'ble Tribunal may graciously be pleased to direct the respondents to prepare and maintain the separate seniority list of the applicants for the post of Senior Ticket Examiners, in the interest of justice.

8.4 That, in the alternative, the Hon'ble Tribunal may kindly be pleased to order the respondents to transfer back the applicants to their respective divisions with the same previous positions coupled with same benefits at which the applicants were working there, in the larger interest of justice.

8.5 That any other or further relief which this Hon'ble Tribunal may deem fit and proper under the circumstances of the case may also be granted in favour of the applicants. "

2. Learned counsel for the applicants submits that the impugned orders passed by the respondents are in violation of RBE No.59/2019 as well as the law laid down by the Hon'ble Apex Court in Renu Mallick Vs. UOI and Ors. Reported in AIR (1994) SC 1152.

3. Issue notice.

4. Shri Krishan Kant Sharma, learned counsel, who appears for respondents on advance service, accepts notice.

5. Shri M.S. Reen, learned counsel for the applicants submits that the applicants for redressal of their grievances have preferred representation dated 26.02.2021 (Annexure A-8) and the same is still pending consideration by the respondents. He further submits that the applicants shall be satisfied if the present OA is disposed of, at this very stage, with direction to the respondents to consider the applicants' aforesaid representation dated 26.02.2021 (Annexure A-8) and to dispose of the same by passing a reasoned and speaking order in a time bound manner.

6. To such request of the learned counsel for the applicants, there is no objection from Shri Krishan Kant Sharma, learned counsel for the respondents.

7. In view of the aforesaid , without going into the merits of the claim of the applicants, the present OA is disposed of with direction to the respondents to consider the applicants' aforesaid pending representation dated 26.02.2021 (Annexure A-8) and to dispose of the same by passing a reasoned and speaking order as expeditiously as possible in any case within ten weeks of receipt of a copy of this order.

8. OA is disposed of in the aforesaid terms. No costs.

Pending MA also stands disposed of, accordingly.