

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 15040 OF 2024**

Mahesh G. Rathod

... Petitioner

V/s.

Union of India and Ors.

... Respondents

Mr. Vicky Nagrani for the Petitioner.

Mr. Abhijeet Joshi for the Respondents.

**CORAM : M.S. KARNIK &
N.R. BORKAR, J.J.**

DATE : 20th JUNE, 2025.

P.C.

1. Heard learned counsel for the petitioner and learned counsel for the respondents.

2. Learned counsel for the petitioner submits that by the application dated 4th June 2024, the petitioner had indicated his unwillingness to undergo training for promotion to the post of Loco Pilot (Mail). Though in the application several details have been mentioned, learned counsel for the petitioner submits that from the tenor of the application, which is annexed at page 36 to the petition, it can be seen that it was a simple application refusing to accept higher responsibility. The learned counsel for the petitioner submits that as the application was not considered, petitioner approached the Central Administrative Tribunal ("Tribunal" for short) with a limited prayer that respondent No.2 be directed to consider the application,

however, the Tribunal refused to grant the said relief.

3. Mr. Joshi, learned counsel for the respondents, supported the order passed by the Tribunal and submitted that there is no merit in this petition.

4. In our opinion, looking to the limited relief prayed for, the Tribunal, in the light of facts and circumstances, could have only directed respondent no.2 to consider and decide the application dated 4th June 2024 in accordance with rules and regulations applicable on its own merits. In our opinion, there was no need for the Tribunal to examine any other aspects than what was requested by the applicant. In this view of the matter the observations made by the Tribunal in the impugned order are uncalled for.. The impugned order of the Tribunal is therefore, set aside.

5. We direct respondent No.2 to consider the application dated 4th June 2024 on its own merits and in accordance with rules and regulation applicable, as expeditiously as possible and within a period of four weeks from today without being influenced by the observations of the Tribunal. Based on the order that will be passed by the respondent No.2, it will be open for the petitioner to take recourse to appropriate remedies.

6. The petition is disposed of in the aforesaid terms.

(N.R. BORKAR, J.)

(M.S. KARNIK, J.)