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Central Administrative Tribunal, Principal Bench

Original Application No.119 of 2002.  
M.A.Nos.1988/2002 & 1446/2003

New Delhi, this the 12th day of August, 2003

Hon'ble Mr. Justice V.S. Aggarwal, Chairman  
Hon'ble Mr. S.K. Naik, Member (A)

Mukesh Chander Chaturvedi,  
S/o Shri Jagdish Prasad,  
Aged about 45 years  
Resident of: L-7-A, Railway Colony,  
Dehradun

.... Applicant

(By Advocate: Shri B.B. Raval with Shri Ashutosh Sharma)

Versus

1. Union of India  
through the General Manager,  
Northern Railway Headquarters,  
Baroda House,  
New Delhi-1
2. The Divisional Railway Manager,  
Northern Railway,  
Moradabad
3. Shri Nathu Lal Meena  
Driver (Mail Express)  
Loco Shed,  
Dehradun

.... Respondents

(By Advocate: Shri R.L. Dhawan)

O R D E R (ORAL)

By Justice V.S. Aggarwal, Chairman

During the course of submissions, it was not disputed that while the present application was pending, the applicant has been promoted as a Crew Controller. This has been done with effect from 22.1.93. Promotion is stated to have been a proforma promotion.

2. Learned counsel for the applicant states that one Atique Ahmed is the person junior to the applicant. He has been given two grade senior promotion and applicant is entitled to the similar benefit. It is also contended that the arrears of pay which have not been given to the

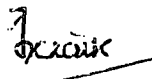
LS Aggarwal


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applicant, should also be given because he was ignored not by his fault.

3. Regarding the two contentions referred to above, the applicant has already submitted a representation copy of which is Annexure A-29. The said representation has been filed during the pendency of the present application. It is stated at either end that Divisional Railway Manager, Moradabad is competent to go into the same and take a decision.

4. Keeping in view the abovesaid facts, it is directed that the Divisional Railway Manager, Moradabad would consider the aforesaid representation dated 10.3.2003 at Annexure A-29 and preferably take a decision within four months of the receipt of the certified copy of the present order. In case of any adverse order, the applicant would have liberty to file a fresh application before this Tribunal in accordance with law.

  
( S.K. Naik )  
Member(A),

  
( V.S. Aggarwal )  
Chairman.

/dkm/