

**Central Administrative Tribunal
Madras Bench**

MA 310/00038/2020 & OA 310/00128/2020

Dated Thursday the 23rd day of January Two Thousand Twenty

P R E S E N T

**Hon'ble Shri. P. Madhavan, Member (J)
&
Hon'ble Shri. T. Jacob, Member (A)**

K. Ravichandran
No. 7/1 and 19, Ambedkar Street
Teachers Colony, Ambattur
Chennai – 600 053.

... Applicant

By Advocate M/s. G. Daisy John

Vs

1. Union of India
Rep., by its General Manager
Administrative Building, Integral Coach Factory
Ayanavaram, Chennai – 600 038.

2. The Work Manager/A-II/Shell Division
Integral Coach Factory
Ayanavaram, Chennai – 600 038.

3. The Deputy Chief Mechanical Engineer/Shell-II
Integral Coach Factory
Ayanavaram, Chennai – 600 038.

... Respondents

By Advocate Mr. P. Srinivasan

ORAL ORDER

Pronounced by Hon'ble Mr. P. Madhavan, Member(J)

MA 38/2020 filed by the applicant to condone the delay of 24 days in representing the OA is allowed. Number the OA.

2. The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

“To direct the 3rd respondent to consider the applicant's representation dated 13.05.2018, requesting the 3rd respondent to make order for the applicant's notional promotion (at the earliest opportunity forgone, on par with the applicant's junior) with all consequential benefits for the intervening period, favourably and expeditiously within a stipulated time period and to pass such other order or directions this Tribunal may deem fit and proper in the circumstances of the case, award costs and thus render justice.”

3. When the matter came up for consideration, learned counsel for the applicant submits that the applicant was employed in 1991 as Helper in ICF Factory. The Railway Department initiated disciplinary action against the applicant under its charge memo dt. 25.09.2007 for a reason namely having defaulted in repayment of HUDCO loan and failure to intimate the transaction to the administration and the applicant was punished by order dt. 21.02.2008 with penalty of withholding of annual increment for 3 years, against which the applicant preferred an appeal and the said penalty was modified to the extent that two Privilege Passes the applicant was entitled for the year 2008, to be withheld vide proceedings dt. 10.04.2008. The punishment was also imposed. The

grievance of the applicant is that his promotion was denied just because a criminal case is pending in which the applicant is only a notional accused. The applicant submitted representation dated 13.05.2018 to the 3rd respondent requesting to consider his promotion and other benefits and a reminder on 16.07.2019, which are still pending with the respondents for consideration. He submits that the applicant will be satisfied if his representation and reminder are disposed of by passing a speaking order within a time limit stipulated by this Tribunal.

4. Mr. P. Srinivasan takes notice for the respondents and submits that he has no objections in disposing of the representation pending before the competent authority.

5. **In view of the limited submission made and without going into the substantive merits of the case, the competent authority is directed to consider Annexure A7 representation of the applicant dated 13.05.2018 and Annexure A9 reminder dt. 16.07.2019 in accordance with law and pass a reasoned and speaking order within a period of three months from the date of receipt of copy of this order.**

6. OA is disposed of at the admission stage.

(T. Jacob)
Member(A)

23.01.2020

(P. Madhavan)
Member (J)

AS