

**Central Administrative Tribunal  
Jaipur Bench, Jaipur**

**O.A. No. 648/2011**

Date of decision: 19.12.2019

**Hon'ble Mr. Suresh Kumar Monga, Member (J)  
Hon'ble Mr. A. Mukhopadhaya, Member (A)**

Rajendra Singh S/o Late Jagpal Singh aged about 45 years,  
R/o H.No.03, Gali No.09, Near Shiv Mandir, Ashok Vihar  
Colony, Ajmer. Raj.

...Applicant.

(By Advocate: Shri C.B.Sharma)

Versus

1. Union of India through General Manager, North Western Railway, Jaipur.
2. The Chief worker Manager (Work Ship Loco) North Western Railway, Ajmer Division, Ajmer.
3. The Deputy Chief Mechanical Engineer, (Carriage Workshop) North Western Railway, Division Ajmer, Ajmer.

...Respondents.

(By Advocate: Shri P.K.Sharma)

**ORDER (ORAL)**

**Per: Suresh Kumar Monga, Member (J):**

The present Original Application has been filed by the applicants under Section 19 of the Administrative Tribunals Act, 1985, seeking therein the following relief:

- "(i) By an appropriate order may be pleased to direct the respondents to give promotion, seniority, selection scales, pay scales, benefits of Modified Assured Career Progression Scheme (MACPS) and ACP and benefits of Vth & VIth Pay Commission to the applicant.
- (ii) By an appropriate order may be pleased to direct the respondents to declare the result of LDC for the year of 2005 which kept in sealed cover.

(2)

- iii) By an appropriate order may be pleased to direct the respondents to consider the candidature of the applicant for the post of UDC.
- (iv) Any other order which this Hon'ble Court may deem fit in the facts and circumstances of the present case may kindly be passed in the favour of the applicant.

2. It is the contention of the learned counsel for the applicant that the order of conviction passed by the Additional Judicial Magistrate, Ajmer, was challenged by the applicant before the Court of Sessions Judge, Ajmer. Learned Sessions Judge, Ajmer, while upholding the applicant's conviction, gave him benefit of Sections 4 and 12 of the Probation of Offenders Act, 1958. Still feeling dissatisfied, the applicant preferred a Revision Petition before the Hon'ble High Court of Rajasthan at Jaipur. The said petition is still pending adjudication. However, vide order dated 29.07.2004, the order of conviction of the applicant has been stayed. Learned counsel further submitted that after the said stay order, the applicant got issued a legal notice dated 19.08.2011 (Annexure A/14) through his counsel wherein a request was made to the respondents to grant him all service benefits including promotion, seniority and MACP. Since the respondents failed to reply the said legal notice, therefore, under the compelling circumstances the applicant preferred the present Original Application. He further submitted that the matter is squarely covered by a judgment rendered by the Hon'ble High Court of Rajasthan in S.B.Civil Writ No.9491/2014 **Kamlesh vs. State of Rajasthan** decided on 21.12.2018 and, therefore, the

(3)

service benefits which include promotion, seniority and MACP cannot be denied to the applicant. He still further submitted that the applicant would be satisfied if a direction is issued to the respondents to take a decision over the pending legal notice in accordance with law.

3. Keeping in view the aforesaid limited prayer made by learned counsel for the applicant, we deem it appropriate to dispose of the present Original Application without entering into the merits of the case.

4. Accordingly, the Original Application is disposed of with a direction to the respondents to treat the legal notice dated 19.08.2011 (Annexure A/14) as applicant's representation and pass a reasoned and speaking order over the same, while keeping in view the judgment rendered by the Hon'ble High Court of Rajasthan in Kamlesh vs. State of Rajasthan (supra). A further direction is issued that before taking such a decision the applicant shall also be afforded an opportunity of hearing. The whole exercise shall be undertaken within a period of three months from the date of receipt of a certified copy of this order.

5. The O.A. stands disposed of in the above terms. No order as to costs.

(A.Mukhopadhaya)  
Member (A)

(Suresh Kumar Monga)  
Member (J)

/kdr/