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CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH.

O.A. NO. 600/96

New Delhi this the 20th day of March, 1996.

Hon'ble Mr. Justice P.K. Shyamsundar, Acting Chairman.

Hon'ble Mr. K. Muthukumar, Member(A).

J.K. Jain,
S/o late Shri J.D. Jain,
R/o 113/M, Old Prempuri,
Railway Road,
Meerut City-250002.

...Applicant.

By Advocate Shri B.S. Charya.

Versus

1. Union of India,
Ministry of Defence,
Govt. of India,
South Block, New Delhi.
(through its Secretary)
2. The Engineer-in-Chief,
Engineer-in-Chief's Branch,
Army Headquarters,
Kashmir House, DHQ PO,
New Delhi-110001.
3. Shri Mohd. Idrees,
(MES No. 400028)
4. Shri Satish Chandra Gupta
(MES No. 400029)
5. Shri Surender Kumar Gupta,
(MES No. 400033)
6. Shri S.T. Patil
(MES No. 157521)
7. Shri Shri Ram Kharbanda,
(MES No. 460221)

(Service through Respondent No.2)

...Respondents.


ORDER (ORAL)

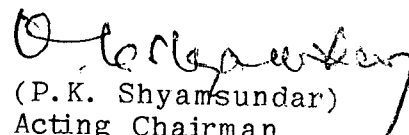
Hon'ble Mr. Justice P.K. Shyamsundar.

We have heard the learned counsel for the applicant. This is a case in which the applicant has

not been considered for promotion to the post of Junior Surveyor of Works though he is eligible for consideration for promotion to the said post and, therefore, he was denied the higher position. The learned counsel for the applicant submits that this is a selection post. Therefore, the question of suitability does arise for consideration. Then, the applicant submits that he has not been considered at all. ^{that he is senior to} ~~That, of course, is a matter of right of the applicant.~~ Be that as it may, it was appropriate for the applicant to have made a representation to the department ventilating his grievance in the matter of non-consideration of his case for promotion before coming to this Tribunal. In that circumstance, we think it appropriate to direct the applicant to file a representation in the first instance and thereafter, if need be, approach this Tribunal. Hence, we dispose of this application directing the applicant to file a representation within two weeks from this date. Upon such a representation being made within the time fixed, the department will dispose of the representation as objectively as possible within six weeks thereafter.

2. This application, therefore, stands disposed of finally, as aforesaid. No costs.
3. Let a copy of this order along with a copy of this application be sent to the respondents.


(K. Muthukumar)
Member(A)


(P.K. Shyamsundar)
Acting Chairman

'SRD'