

Central Administrative Tribunal
Principal Bench New Delhi.

Date of decision: 12.5.1989.

Regn. No. O.A. 937/89.

Shri S.C. Aggarwal Vs. G.M. Northern Railway

CORAM:

Hon'ble Mr. P.Srinivasan, Member (A).

Hon'ble Mr. T.S. Oberoi, Member (T)

For the applicant: Shri S.N. Shukla, Advocate.

JUDGMENT.

This application has come up before us for admission without notice to the respondents. The applicant is aggrieved with a circular dated 2.5.1989 issued by the Assistant Personnel Officer, Northern Railway Divisional Office, New Delhi calling upon certain persons including the applicant to take a trade test for promotion to the post of Tele-communication Maintainer-I. His contention is that he is not liable to take this test as he should have been promoted to that post without a trade test when his junior, Shri Shiv Charan was so promoted in 1987 (w.e.f. 1.1.1984). The trade test is to be held on 17.5.1989 and 18.5.1989.

The applicant has made a representation to the Senior Divisional Personnel Officer, Northern Railway on 20.4.1989 in this regard, which is said to be pending. In that representation, he has referred to the promotion of Shri Shiv Charan as a result of upgradation of the post of T.C.M. grade II to T.C.M. grade I and has stated that by an administrative error, he (the applicant) was not chosen.

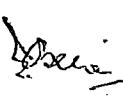
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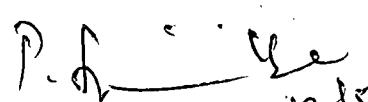
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2. Since the representation of the applicant on the same subject is pending with the authorities, we consider it premature to admit the application. However, we would like to issue certain directions in order to protect the interest of the applicant.

3. The respondents may hold the trade test, as already announced, on 17.5.1989 and 18.5.1989 or on such other dates to which they may postpone it. The applicant will be allowed to appear in the test. The respondents will, however, not announce the result of the test till they dispose of the applicant's representation dated 20.4.1989. If the respondents find that the applicant's representation dated 20.4.1989 is in order and he should have been promoted when Shri Shiv Charan was promoted, then they should give him that promotion with effect from the date from which Shri Shiv Charan was promoted irrespective of the result of the test now to be held. It goes without saying that if the applicant is aggrieved with the decision of the authorities in respect of his representation dated 20.4.1989, he will be at liberty to approach this Tribunal at the appropriate time.

The application stands disposed of on the above terms at the stage of admission.


(T.S. Oberoi)
Member (J)


(P. Srinivasan)
Member (A)
12/5/89

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