



**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No.2078/2020

This the 11th day of January, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Parvez age about 60 years,
Residence Address,
D-2/52,
Kaka Nager,
New Delhi – 110003.

Presently posted as Director (Establishment Branch),
Railway Board,
Rail Bhawan,
Raiseena Road,
New Delhi – 110001.

... **Applicant**

(through Ms. Geetanjali Mohan, Advocate)

Versus

1. Secretary,
Railway Board,
Rail Bhawan,
Raiseena Road,
New Delhi – 110001.

2. Secretary,
UPSC, Dhaulpur House,
Shahjahan Road,
New Delhi – 110001.

3. Ms. Anita Gautam,
Director (PG),
Railway Board,
Rail Bhawan,
Raiseena Road,
New Delhi – 110001.

... Respondents

(through Mr. V. S. R. Krishna, Mr. Krishna Kant Sharma and Mr. Naresh Kaushik, Advocate)

ORDER (Oral)



Justice L. Narasimha Reddy, Chairman:

The applicant, joined the Railway Board Secretariat Service in the year 1983 on the basis of the performance in the Limited Departmental Competitive Examination (LDCE), as Section Officer in the year 1987. Thereafter, he was promoted as Dy. Director in 1988, Joint Director in 2005 and Director on 29.05.2012. The next promotion is to the post of Executive Director.

2. The applicant contends that though he is the senior most in the feeder category of Director, the respondents are not considering his case and on the other hand, are treating the 3rd respondent Ms. Anita Gautam, as senior to him and considering her for promotion. Various other facts are mentioned in detail. The applicant prays for a direction to the respondents to consider his case for promotion to the post of Executive Director and for extension of consequential benefits.

3. On behalf of respondents 1 and 2 a detailed counter affidavit is filed. It is stated that the applicant joined the



service of the RBS as Section Officer in the year 1986 and the 3rd respondent came to that organization through lateral entry as Under Secretary. It is stated that in OA No. 591/2009 filed by the applicant himself, this Tribunal directed the arrangement of the seniority and accordingly a fresh seniority list was published on 29.08.2017, wherein the applicant became far junior to the 3rd respondent. During the pendency of the OA, the respondents have also passed an order dated 08.01.2021, rejecting the claim of the applicant.

4. We heard Ms. Geetanjali Mohan, learned counsel for the applicant and Mr. V. S. R. Krishna, Mr. Naresh Kaushik and Mr. Krishna Kant Sharma, learned counsel for the respondents at length.

5. The applicant as well as the 3rd respondents are aspiring to become Executive Directors in the Railway Board. It is no doubt true that the applicant marched ahead of the 3rd respondent at various levels. However, his seniority in the post of Section Officer was refixed on the basis of a direction issued by the Tribunal and that resulted in the applicant being pushed down far below and the 3rd respondent became senior to him. The respondents contend that as a result of such re-arrangement of seniority, the 3rd respondent figured

at S. No. 1 to the post of Director whereas the applicant figured at S. No. 5. The plea of the applicant that the respondents have not convened any review DPC for the post subsequent to Section Officer is not in the scope of this OA.



The manner in which the respondents propose to conduct selection for the post of Executive Director can be verified if only they frame a policy for that and take further steps. The Tribunal cannot indicate the same in anticipation. The applicant can have grievance, if only, any promotion made or policy framed is found to be contrary to law.

6. We, therefore, dispose of the OA leaving it open to the applicant to challenge the order dated 08.01.2021. The interim order shall stand vacated. There shall be no order as to costs.

(Mohd.Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

lg/rk/ankit/sd