

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.200/00011/2021

Jabalpur, this Tuesday, the 05th day of January, 2021

HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER
HON'BLE MS. NAINI JAYASEELAN, ADMINISTRATIVE MEMBER



1. Anand Kumar Shukla S/o Late Shri Ambika Prasad Shukla, Aged about 37 years, working as Pointsman, J.E.S.G., D.R.M. Office Western Central Railway Jabalpur MP

2. Ram Das Shukla, S/o Late Shri Jairam Shukla, aged about 58 years, working as Pointsman, Santa Yard, D.R.M. Office, Western Central Railway, Jabalpur MP

3. Vijay Kumar Chaturvedi S/o Shri Ram Prasad Chaturvedi, aged about 57 years, working as Pointsman, Santa Yard, D.R.M. Office, Western Central Railway, Jabalpur MP

4. Sunil Malviya S/o Shri Phool Chand Malviya, aged about 47 years, working as Pointsman, Santa Yard, D.R.M. Office, Western Central Railway, Jabalpur MP

5. Krishna Kumar Mishra, S/o Shri Kishori Lal Mishra, aged about 42 years, working as Pointsman, Majgawa, Santa, D.R.M. Office, Western Central Railway, Jabalpur MP

-Applicants

(By Advocate – **Shri Makbool Khan**)

V e r s u s

1. Union of India, through its General manager, Western Central Railway, Indira Market, Jabalpur MP.482001

2. The Sr. Divisional Personnel Officer, D.R.M. Office, Western Central Railway, Jabalpur M.P.-482001

3. The Divisional Railway Manager, D.R.M. Office, Western Central Railway, Jabalpur M.P.-482001

4. Sameer Kumar, Sr. TNC, NKJ
5. Balwant Singh, Cabin Man, Basapahad
6. Satyenarayan, Shanting Master, Satna,
7. Gopal Das, Cabin Man, Karhaiya,
8. Ravindra Kumar Sonkhare, Sr. TNC, NKJ
9. Gopal Prasad, Pointsman, Baghora
10. Ram Prasad Ram, Pointsman Satna
11. Tej Singh Sancat, Sr. Booking Clerk, Katni



Res. No. 4 to 11 through its Sr. D.O.M., DRM Office,
Western Central Railway, Jabalpur MP - **Respondents**

(By Advocate –**Shri A.S.Raizada**)

O R D E R(ORAL)

By Ramesh Singh Thakur, JM:-

Heard.

2. This Original Application has been filed by the applicants against the inaction on behalf of the respondent department for not deciding the representation dated 11.12.2020 (Annexure A-5).

3. From the pleadings the facts of the case are that the respondent No.2 conducted the departmental examination for department promotion to the post of Goods Guard. A copy of order is filed as Annexure A-1. The applicants are the successful candidates but the applicants were deliberately not selected. The respondent No.2 without any reason selected the reserved category in place of the applicants. The main ground for challenging the action of the

respondents are that Annexure A-1 is arbitrary, illegal and unjust and the applicants have been denied promotions to the post of Goods Guard by extending undue favour for respondents Nos. 4 to 11.



4. The contention of the applicants are that respondent No.2 selected the candidates against the advertised post because 45 posts were sanctioned in general category and only 37 candidates have been selected against 09 posts for SC, 12 candidates have been selected. So deliberately the respondents have left five posts vacant. Counsel for the applicants submit that the representation has been made to the respondent department vide Annexure A-5 dated 11.12.2020 and the same is pending till date.

5. At this stage counsel for the applicants submit that the applicants will be satisfied if the respondents are directed to decide representation dated 11.12.2020 (Annexure A-5) in a time bound manner.

6. Learned counsel for the respondents submits that he has no objection if the Original Application is disposed of in above manner.

7. We have considered the matter and we are of the view that natural justice will be met if the competent authority of

the respondents is directed to decide the representation dated 11.12.2020 (Annexure A-5) especially when the same is pending with the respondent department.

8. Resultantly, the Competent Authority of the respondents are directed to decide the representation dated 11.12.2020 (Annexure A-5), if not already decided within a period of two months from the date of receipt of a certified copy of this order.



9. Needless to say that the final order should be reasoned and speaking one and the respondents shall also met with all the contentions raised in the representation.

10. With these observations the Original Application is finally disposed of at the admission stage itself.

(Naini Jayaseelan)
Administrative Member
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(Ramesh Singh Thakur)
Judicial Member