

**CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI**

ORIGINAL APPLICATION No.210/184/2021

Dated this Thursday, the 04th day of March, 2021

**CORAM : DR. BHAGWAN SAHAI, MEMBER (A)
RAVINDER KAUR, MEMBER (J)**

**Proceeding conducted through video conferencing with
the consent of applicant's counsel.**

Mr. Prasad Rao K, Son of Papaiah K.,
Date of Birth : 27.02.1987 aged 33 years 8 months,
working as Lab Superintendent (Level 6) under CMS/BSL
in Medical Department Having Head Office at Central Railway,
CSTM, Mumbai 400 001, Residing at RB II 193 Indrayani Coloney,
Opp DRM Office Lane, Bhusawal, Jalgaon,
District : Jalgaon, State of Maharashtra, Pin Code 425 201. **- Applicant**
(By Advocate Shri D.V.Saroj)

Versus

1. Union of India, Through its Secretary, Ministry of Railway,
Rail Bhavan, New Delhi 100 001.
2. The Department of Personnel and Training Establishment (Reservation)
Through its Secretary, North Block, Central Secretariat,
New Delhi 110 001.
3. The General Manager, Headquarter Office, Central Railway,
CSTM, Mumbai 400 001.
4. The Divisional Railway Manager (DRM), Central Railway,
Bhusawal Division, Maharashtra, Pin Code 425 201. **- Respondents**

ORAL ORDER

Per : Dr. Bhagwan Sahai, Member (A)

Present:

Advocate Shri D.V.Saroj for the applicant.

2. Heard him on the OA.
3. The applicant has been working as Lab Superintendent in head office, Mumbai Central. In this OA, he seeks setting aside of letter of APO, DRM Office, Personnel Branch, Central Railway, Bhusawal which is a reply to the notices submitted by him. In that reply it has been mentioned that he was not eligible for promotion as per the Railway Board Circular RBE No.126/2010 which had been kept in abeyance till finalization of the Supreme Court case and thereafter, RBE No.117/2016 has been issued on 30.09.2016 directing that promotions should be carried out as per the general seniority. So his request for promotion cannot be considered as he is at serial No.3 in the general seniority list.

4. The applicant also seeks direction to the respondents that a vacant post of Chief Lab Superintendent reserved for Scheduled Castes existing in Bhusawal Division should be filled up by promoting him to that post. In support of his claim, he also relies on DOPT OM dated 15.06.2018 (Annex A-5) issued in pursuant to the Supreme Court decision in case of **Jarnail Singh & Others Vs. Lachhmi Narain Gupta & Others** on 17.05.2018.

5. We have heard the applicant's counsel in detail but as per the copy of seniority list of Lab Superintendents enclosed by the applicant himself as page No.46 of the OA, he is at Serial No.3 in that seniority. In view of this, the facts stated by the respondents in the impugned reply are correct. The DOPT OM dated 15.06.2018 also cited the order of the Supreme Court dated 17.05.2018 in SLP (C) No.30621/2011 in which it was directed that pendency of that SLP shall not stand in the way of Union of India taking steps for the purpose of promotion from 'reserved to reserved' and 'un-reserved to un-reserved' and also in the matter of promotions on merits. This was restated again in the Supreme Court order on 05.06.2018.

6. On considering these facts of the case, we do not find any merit in the submissions of the applicant's counsel and in the OA. The applicant has failed miserably to make out a case in this OA to admit it for adjudication.

7. Therefore, this OA is dismissed at admission stage itself. No costs.

(Ravinder Kaur)
Member (Judicial)

(Dr. Bhagwan Sahai)
Member (Administrative)

kmg*

JD
10/03/21