

**CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA
O.A. No. 050/00352/2020**

Date of Order: 06th January, 2021.

C O R A M

**HON'BLE MR M.C. VERMA, MEMBER [J]
HON'BLE MR. SUNIL KUMAR SINHA, MEMBER [A]**

Z.U. Ahmad @ Zafiruddin Ahmad, S/o Late Qamruddin Ahmad, R/o Flat No.203, Ahad Apartment, Naugarwa, Sultanganj, P.O. – Mahendru, P.S.- Sultanganj, District – Patna.

..... Applicant.

By Advocate :- Shri Jayant Kr. Karn.

-Versus-

1. The Union of India through the Chairman, Railway Board, Government of India, Ministry of Railways, Rail Bhawan, New Delhi – 110001.
2. The Secretary, Ministry of Railways, Government of India, Rail Bhawan, New Delhi – 110001.
3. The Member Staff, Ministry of Railways, Government of India, Rail Bhawan, New Delhi – 110001.
4. The General Manager, East Central Railway, Hajipur, P.O. – Digghi Kalan, P.S.-Hajipur, District – Vaishali at Hajipur – 844101.

..... Respondents.

By Advocate :- Shri B.K. Choudhary
Shri D.K. Verma.

O R D E R (O R A L)

M.C. Verma, M[J] :- Applicant being aggrieved and hurt by alleged delaying act of respondents in considering and deciding his grievance towards his promotion in Junior Administrative Grade, Selection Grade and above at par with his juniors has preferred the instant O.A.



2. After notice respondent has filed the reply and in reply, respondents explaining the facts and circumstances of the matter has also stated in para-3 as under: -



“3. That, the S/Shri Noel Stephens and R Govindaiah were promoted to JAG/IRTS in the panel approved on 06.10.2007 and ACRs for the years ending March 2003 to march 2007 were considered in r/o all the officers in this Panel by the DPC. As ACRs for this period in r/o Shri ZU Ahmad are not available (the period during which he was not in Service). Shri Ahmad is being considered by giving the benefit of doubt for assessment of his performance for promotion to JAG by interpolation of his name below Noel Stephens (S No.32) of the JAG Panel approved on 06.10.2007. Already, necessary action has been taken at this end for nomination/constitution of a Screening Committee for conducting a Review DPC to the JAG/IRTS Panel of 1997 exam batch and for promotion of Shri ZU Ahmad, retired IRTS to JAG w.e.f. 01.01.2011 with all consequential benefits. This exercise is likely to take some more time including approval by the Competent Authority before issue of final orders. In view of this Contention, this application may kindly be disposed of.”

3. Learned counsel for respondents referring para-3 of the reply urged that respond authority has taken a decision to consider the grievance of applicant by giving the benefit of doubt for assessment of his performance for promotion in JAG by interpolation of his name below Shri Noel Stephens of the JAG panel approved on 06.10.2007. He requests that in view of submission made in para-3 of the reply, O.A. may be disposed of.

4. Learned counsel for applicant stated at Bar that he has received the copy of the reply and has gone through its contents. He submits that respondents have deeply considered the entirety of the matter and in view of para-3 of the reply, matter may be disposed of with direction to the respondents to take final decision within a time

frame. He suggested that three months time may be given to the respondents to consider the grievance of the applicant. Learned counsel for respondents requests that task is time taking and at least four months time may be given to respondents.

5. Considered the submissions. Taking note of submissions made at Bar and in view of the pleadings, we think it would be appropriate to dispose of the O.A. with direction to the respondents to take final decision about promotion of the applicant, as has been undertaken in the para – 3 of the reply at the earliest possible preferably within four months from the date of receipt of a copy of this order. Ordered accordingly.



6. In view of above, O.A. stands disposed of. No costs.

7. Pending M.A., if there is any, also stands disposed of.

Sd/-

[SUNIL KUMAR SINHA]
MEMBER [A]

sks/-

Sd/-

[M.C. VERMA]
MEMBER [J]