

11

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA 2198/2004

New Delhi, this the 24<sup>th</sup> day of August, 2005

**Hon'ble Sh. Kuldip Singh, Vice-Chairman (J)**  
**Hon'ble Sh. D.R. Tiwari, Member (A)**

Mr. Ramesh Chandra  
Son of Shri Uday Pal  
Agaed about 36 years  
Resident of 415-A, Railway Colony,  
Punjab Line,  
Ghaziabad. ....Applicant.

(By Advocate Shri Rajeev Sharma with Shri Saurav Verma)

Versus

1. Union of India  
Through the General Manager,  
Northern Railway,  
Baroda House,  
New Delhi-110 001
2. Chief Signal Telecom Engineer,  
S & T Department,  
Baroda House,  
Northern Railway,  
New Delhi.
3. Deputy Chief Signal Telecom Engineer  
Microwave Organization,  
2<sup>nd</sup> floor, New Exchange Building,  
D.R.M. Office,  
State Entry Road,  
New Delhi. ....Respondents.

(By Advocate Shri S.M. Arif)

O R D E R (ORAL)

By Sh. Kuldip Singh, Vice-Chairman (J):-

Present both counsel for the parties.

2. Heard. The applicant has filed the present OA as he is aggrieved that the department has issued a letter dated 6.5.2004 without application of mind and ignoring the category mentioned in the Indian Medical Manual and the letters dated 17.9.2003 and 19.9.2003, therefore, the same is liable to be quashed.

*Kur*

22

3. It is submitted that the applicant had initially joined Railway Service as an apprentice Wireless maintainer Grade-III in the pay scale of Rs.950-1500/- and he was given this posting after qualifying the medical examination under medical category C-1. Thereafter, he was transferred from Buewala to Bikaner Microwave (Rajasthan) vide order dated 2.7.1992. It is stated that persons with three years service as Wireless Maintainer become eligible for the post of Telecom Inspector under 20% Recruitment quota. After completing three years service the applicant becomes eligible for the post of Telecom Inspector (TCI-III). However, the applicant was denied to this promotion on the ground that he had not qualified the medical examination as per category A-3. The case of the applicant is that as per Indian Medical Manual, he is to be called to qualify medical examination under category C-1 and not under category A-3. The applicant also seems to have made representations, which were being forwarded to further higher authorities so that an appropriate decision can be taken and as such the last representation was made on 1.5.2004, which was forwarded vide letter dated 24.5.2004. However, without waiting the result of the representation, the applicant has filed the present OA on 10.9.2004. The learned counsel appearing on behalf of respondents submits that since the representation has been forwarded to the Competent Authority for taking a decision in accordance with rules, so applicant should not have rushed to the Court at least for six months. Thus the OA in this way is premature. However, without going into the merits of the OA, since the applicant has made earlier representations upon which the department has not taken any appropriate decision, still we are of the considered opinion that the matter is still pending with the Competent Authority for taking decision on the representation of the applicant in accordance with rules particularly to decide whether the applicant is covered under category of C-1 or under category A-3, accordingly we dispose of the present OA and direct the respondents to pass a reasoned and speaking order on the representation of the applicant within a period of two months from the date of receipt of a copy of this

Kum



order. If applicant is aggrieved thereafter, he will be at liberty to approach the Tribunal in accordance with rules.



(D.R. Tiwari)  
Member (A)



(Kuldip Singh)  
Vice-Chairman (J)

/gkk/