

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 10TH DAY OF DECEMBER, 2001

Original Application No.1453 of 2001

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI, V.C.

HON.MAJ.GEN.K.K.SRIVASTAVA, MEMBER(A)

Lal Behar, Chaubey, a/a 53 years,  
Son of Shri Bhola Nath Chaubey  
R/o 637-G, Diesel Locomotive  
Works Colony, Diesel Locomotive works,  
Varanasi.

.... Applicant

(By Adv: Shri S.K.Om )

Versus

1. Union of India through  
general Manager, Diesel Locomotive  
Works, Varanasi.
2. Chief Personnel Officer,  
Diesel Locomotive Works, Varanasi.
3. Shri Dinesh Shukla, presently  
working as Secretary to General  
Manager, Diesel Locomotive Works  
Varanasi.
4. Anil Kumar Yadav, presently working  
as Driver Incharge/Driver Grade-II  
Diesel Locomotive Works, Varanasi.

... Respondents

((By Adv : Shri K.P.Singh)

O R D E R(Oral)

JUSTICE R.R.K.TRIVEDI, v.c.

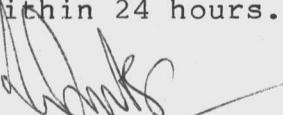
By this OA applicant has challenged the process of selection for the post of Transport Inspector on the ground that it is not being conducted strictly according to seniority as per procedure prescribed by Railway Board. the applicant is one of the candidates. The selection has not yet been concluded. The applicant's apprehensions are that right from the creation of the post upto the procedure of the selection prescribed they are directed to accommodate respondent no.4 who is also one of the

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candidates. The another challenge is that when sufficient number of candidates were available in Driver Grade I why the Driver Grade II were also made eligible for selection to this Ex-cadre post which amounts to promotion though for a short period. Before coming to this Tribunal the applicant filed a representation before General Manager, respondent no.2, Diesel Locomotive Works, Varanasi on which he has also sought for the comments of the C.P.O. It shows that matter is engaged <sup>in</sup> attention of G.M. and it would not be proper for this Tribunal to interfere at this stage. In our opinion, the ends of justice shall be served if we direct G.M., respondent no.2 to decide the representation of the applicant by a reasoned order taking into consideration all the question of law and fact particularly Rule 215-A of the Indian Railway Establishment Manual, Vol-1. If the representation is filed or if supplemented further raising the legal questions the representation shall be decided within a month from the date a copy of this order is filed. The selection may be completed during this period but actual appointments shall not be made until the final order in <sup>is passed on the representation</sup> ~~this OA~~.

The OA is disposed of finally with no order as to costs.

The copy of the order shall be given to the counsel for the applicant within 24 hours.

  
MEMBER (A)

  
VICE CHAIRMAN

Dated: 10.12.2001

Uv/