

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO. 664/2001

TUESDAY, THIS THE 10TH DAY OF SEPTEMBER, 2002

HON'BLE M^EJ GEN K. K. SRIVASTAVA, MEMBER (A)
HON'BLE MR. A. K. BHATNAGAR, MEMBER (J)

Tarak Nath Das son of Shri Souresh
Chandra Das, C/o, Banke Maha jan,
28/B-Chakniratul, Chauphatka,
Allahabad. Applicant

(By Advocate Shri Ramanuj Pandey)

Versus

1. Union of India,
Chairman Railway Board,
Rail Bhawan, Rly. Board,
New Delhi.
2. General Manager, Western Railway,
Churchgate, Near Churchgate Rly, Stn,
Mumbai.
3. General Manager, Rly. Electrification,
Allahabad.
4. Chief Personnel Officer,
W. Rly., Churchgate Rly. Station,
Mumbai.
5. Chief Workshop Engineer
(Mechandical Department),
Churchgate, Mumbai.
6. Chief Workshop Manager,
Western Railway,
Wagon Repair Shop,
Kota Jn-2 (Rajs)
7. Shri Manoj Kumar Meena(ST),
Typist under CWM/W.Rly-WRS/Kota
Jn.-2, Kota. Respondents

(By Advocates Shri A. Sthalekar)
Shri K.P. Singh)

O R D E R

BY HON'BLE M^EJ GEN K. K. SRIVASTAVA, MEMBER (A)

This Original Application has been filed Under
Section 19 of Administrative Tribunals Act 1985.
The applicant has prayed for a direction to the
respondents to decide the representation of the
applicant dated 04.04.01 in accordance with law and
merits. He has also prayed that the promotion order
dated 22.02.01 and 28.02.01 of respondent No. 7 be

quashed with costs. He has also prayed that no further selection for higher than Chief Typist be conducted till the finalisation of the present O.A.

2. The facts in brief are that the applicant is employed in the respondent's establishment. He started as a Khalasi, promoted as Typist and he has been working as Assistant Stenographer since 10.05.88 on adhoc basis. The applicant was transferred to Eastern Railway, Allahabad on deputation in the same scale of Rs.5000-8000/- vide order dated 09.09.91.

3. The main grievance of the applicant is that he was a Senior most candidate for selection to the post of Chief Typist as would be seen from the letter of Chief Works Manager, Kota (Annexure-5). The name of respondent No.7 is at serial No.2. The respondent No.7 has been promoted on regular basis as Chief Typist where as the claim of the applicant has been ignored though he ranks senior to respondent No.7.

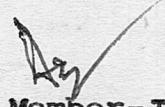
4. Aggrieved by the above, the applicant filed a representation before Chief Works Manager on 04.04.01. The respondents in their counter reply have stated that the representation of the applicant was decided vide letter dated 09.06.01 (Annexure-1 to CA).

5. We have considered the submissions of the applicant and have also perused the records. On ^{the} perusal of order dated 09.06.01 (Annexure-1 of CA), it appears that the representation of the applicant has been rejected without application of mind. The proper ^{course} ^{cause} for the respondent was to have mentioned the reasons for rejecting the representation of the applicant dated 04.04.01. ^{In} ^{the} In the interest of justice we feel it necessary that the respondents consider

the representation of the applicant and pass the detailed and reasoned order in accordance with rules on the subject, keeping in view the seniority of the applicant within a specified time.

6. In view of the aforesaid, the O.A. is disposed of ^{in writing} ~~in writing~~ direction to the competent authority to decide the representation of the applicant dated 04.04.01 by ^{the} ~~the~~ ^{renewed and speaking the} detailed order within a period of three months.

No costs.



Member-J



Member-A

/Neelam/