

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 6th day of June 2001.

Original Application No.708 of 2001.

CORAM :-

Hon'ble Mr. Justice RRK Trivedi, V.C.

Hon'ble Maj Gen KK Srivastava, A.M.

P.N. Agnihotri S/o Shri M.P. Agnihotri,  
Resident of 356/A, Mission Compound,  
Civil Lines, Jhansi.

(Sri RK Nigam, Advocate)

. . . . . Applicant

Versus

1. Union of India through General Manager,  
Central Railway, Mumbai CST.
2. Divisional Railway Manager,  
Central Railway, Jhansi.

(Sri KP Singh, Advocate)

. . . . . Respondents

O R D E R

By Hon'ble Mr. Justice RRK Trivedi, V.C.

Aggrieved by the order dated 09-5-2001, the applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985. From the perusal of the order it appears that the applicant was promoted as Station Superintendent/Chief Yard Master w.e.f. 01-3-1994. He continued on this post since then. By the impugned order it has been stated that the promotion of the applicant was erroneous and he is being reverted from the grade of Rs.6500-10500 to the grade of Rs.5500-9000. It is also provided that promotion w.e.f. 01-3-1994 will not qualify



the applicant for any future promotion or increments.

In the last line of the order dt.09-5-2001 the applicant has been given show cause notice. As the applicant has been called upon to show cause against the order, we do not find it a fit case for interference at this stage.

2. Sri R.K. Nigam, counsel for the applicant has

submitted that the language used in paragraph nos.1, 2 and 3 of the order, is in positive terms, suggests that action has already been taken and show cause notice is only a formality. Be that as it may, as the applicant has been given opportunity to show cause, we do not think that the respondents can implement the order until the <sup>explanation given in response to a</sup> show cause ~~is~~ given by the applicant is considered and decided.

3. It appears that the applicant has already filed <sup>reply to</sup> show cause, ~~reply~~ a copy of which has ~~already~~ been filed as Annexure-A-5 to the OA. The respondents shall take the same into consideration and pass the order in accordance with law.

4. With the aforesaid observation this OA is disposed of. There will be no order as to costs.

  
Member (A)

  
Vice Chairman

Dube/