

CE-NTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Original Application No. 1350 of 2004

Dated : This the 11th day of November, 2004

HON'BLE MR. JUSTICE S.R. SINGH, V.C.  
HON'BLE MRS.ROLI SRIVASTAVA, A.M.

1. Jitendra Prakash S/o Shri S.C.Gupta, Junior Engineer (P.Way) Grade I at Allahabad.
2. D.K.Saxena S/o Maheshwari Prasad Junior Engineer Grade-I at Manauri.
3. Gajraj Singh S/o Shri R.D.Singh Junior Engineer Grade-I (P.Way) at Allahabad.
4. Julfiqar Ahmad S/o Sri Faiyaj Ahmad Junior Engineer Grade-I (P.Way) At Allahabad.
5. S.K.Sharma S/o I.S.Sharma Junior Engineer Grade I at Fatehpur.
6. Jitendra Bahadur S/o Sri Maheem Ram Junior Engineer Grade-I (P.Way) at Chunar.
7. Mohd. Akhtar S/oSri Jameer Ahmad Junior Engineer Grade-I at Hathras.
8. D.A.Siddiqui S/o M.V.Siddiqui Junior Engineer Grade I (P.Way) at Subedarganj.
9. H.A.Varanjani S/o Sri K.K.Varanjani Junior Engineer Grade-I (P.Way), at Kanpur.
- 10.S.N.Yadav S/o Sri B.L.Yadav Junior Engineer Grade-I (P.Way) at Aligarh.
- 11.Rajendra Singh S/o Sri Dilip Singh Junior Engineer Grade-I at Khurja.
- 12.R.C.Mukut S/oSri Kundan Singh Junior Engineer Grade-I at Firogabad.
- 13.S.K.Paul S/oSri N.C.Paul Junior Engineer grade I (P.Way) at Allahabad.
- 14.Jagdish Singh S/o Sri R.K.Singh Junior Engineer Grade I (P.Way) at Khaga.
- 15.A.C.Srivastava S/o A.B.Sri Vastava Junior Engineer Grade-I (P.Way) at Naini.
- 16.B.K.Sharma S/oSri F.R.Sharma Junior Engineer Grade-I at Shikohabad.
- 17.Bimal Kumar S/o Sri Pawan Kumar Junior Engineer Grade I at Allahabad.
- 18.Manohar Lal S/o Sri Bishan Das Junior Engineer Grade I (P.Way) at Allahabad.

19. J.P.Singh S/o Sri Harpal Singh Junior Engineer (P.Way) Grade I) at Allahabad.
20. T.V.Singh S/o Sri Chotey Lal Junior Engineer Grade I (P.Way) at Tundla.
21. Sinod Kumar S/o Sri Gyan Singh Junior Engineer Grade I (P.Way) at Tundla.
22. Nathu Ram Gautam S/o Sri Govind Junior Engineer & (P.Way) at Orai.
23. Rajendra Kumar Gupta S/o Sri D.R.Gupta Junior Engineer, Grade I at Mahoba.
24. Bheem Singh Meena S/o Sri Hira Singh Meena Junior Engineer Grade I at Mahoba.
25. Sanjay Singh S/o Sri K.N.Singh Junior Engineer Grade I (P.Way) at Jhansi.
26. Suresh Chand Budholia S/o Sri M.R.Budholia Junior Engineer Grade I (P.Way) At Gwalior.
27. Triloki Nath Tiwari S/o Sri I.N.Tiwari Junior Engineer Grade I (P.Way) Lalitpur.
28. Rakesh Kumar Saxena S/o Sri V.N.Saxena Junior Engineer Grade I at Gwalior.
29. Sanjeev Kumar Saxena S/o R.D.Saxena Junior Engineer Grade I (P.Way) at Gwalior.
30. Naresh Kumar Agarwal S/o Late Shri G.P.Agarwal Junior Engineer Grade I at Chirgaon.
31. Arun Kumar Jain S/o Sri M.L.Jain, Junior Engineer Grade I (P.Way) at Jhansi.
32. Sarvinder Jeet Singh S/o Sita Ram Junior Engineer Grade I (P.Way) at Mauanipur.
33. C.L.Dewatwal S/o Sri Kishan Lal Junior Engineer Grade I (P.Way) at Agra.
34. Devendra Kumar S/o Sri Nanak Chand Junior Engineer Grade I (P.Way) at Mathura.
35. Jai Singh S/o Ram Kala Junior Engineer Grade I (P.Way) at Mathura.

.....Applicants.

All are working as Junior Engineer grade I (P.Way) under General Manager, North Central Railway, Allahabad.

( By Advocate :S/Shri Sajnu Ram,) S.Dwivedi and  
Ahil Dwivedi  
VERSUS

1. Union of India through General Manager North Central Railway Allahabad.
2. Divisional Personal Officer North Central Railway, Allahabad.
3. Senior Divisional Personnel Officer North Central Railway, Jhansi.
4. Senior Divisional Engineer(Coordination) North Central Central Railway Agra.  
(By Advocate : Shri A.K.Gaur)...Respondents.

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O R D E R ( Oral )

By Hon'ble Mr. Justice S.R. Singh, V.C.

Heard S/Shri Sajnu Ram, Satish Dwivedi and Anil Dwivedi, Counsel for the applicants, and Shri A.K. Gaur, Counsel for the respondents.

2. The relief claimed in this O.A. is that the orders dated 08.09.2004, 20.09.2004 and 28.09.2004 referred to in the relief clause of the O.A. be quashed, by which the applicants have been sent for passing promotional course/training in the Training School CITA/Kanpur from 04.11.04 to 19.11.2004. Further relief claimed is that the respondents be directed to upgrade/promote the applicants in the grade of Rs.6500-10500 with effect from 01.11.2003 and fix their pay in the said grade as per direction of Railway Board's letters dated 09.10.2003 and 06.01.2004 without insisting them to pass any promotional course/training.

3. The case of the applicants is that under the restructuring scheme the applicants are not required to clear any promotional course/training and they are entitled to be promoted on the basis of scrutiny of service record without holding any written test etc. In para 4.15 of the O.A. it is alleged that the applicants have preferred representation dated 19.10.2004 and concededly the said representation has not yet been decided. It is conceded that promotional course/training pursuant to the impugned order has already been commenced and the applicants are undergoing that training course. In the circumstances, therefore, we are of the view that it would meet the ends of justice that if the O.A. is disposed of with a direction to competent authority to consider and dispose of the representation dated 19.10.2004 filed by the applicants.

Q.D.J

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It goes without saying that in case the competent authority comes to the conclusion that passing of promotional course/training is not an essential condition for promotion under the restructuring scheme, appropriate consequential order shall be passed by the competent authority while disposing of the representation. The representation, it is expected, shall be decided as early as possible preferably within a period of one month from the date of receipt of a copy of this order.

4. Accordingly the O.A. stands disposed of in terms of the directions aforesated. No order as to costs.

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Member (A)

*QSG*

Vice Chairman

*/M.M./*