

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Dated : This the **20th** day of **April** 2010

Original Application No. 465 of 2004

Hon'ble Mr. A.K. Gaur, Member (J)
Hon'ble Mr. S.N. Shukla, Member (A)

Kashi Nath Singh aged about 59 ½ years, Son of late Shri Rama Nand Singh, posted at Northern Eastern Railway, General and Mechanical Depot (Forms and Stationary) Gorakhpur, resident of Village Trikalpur, P.O. Reoti (Muradih), District Ballia.

.....**Applicant**

By Adv : Sri Sudhakar Pandey

V E R S U S

1. Union of India through General Manager (Karmik) Northern Eastern Railway, Gorakhpur.
2. Dy. Controller of Store (Depot) N.E. Railway, Gorakhpur.
3. Controller of Stores, N.E. Railway, Gorakhpur.
4. Departmental Promotion Committee (D.P.C.)/Competent Authority, N.E. Railway, Gorakhpur.

.....**Respondents**

By Adv: Shri K.P. Singh
Shri D.S. Shukla

ORDER

By Hon'ble Mr. A.K. Gaur, Member-J

1. We have heard Shri Sudhakar Pandey, learned counsel for the applicant and Shri K.P. Singh and Shri D.S. Shukla, learned counsel for the respondents.

2. It is pointed out that the applicant has earlier filed OA No.1330 of 1996 which was finally disposed of vide order dated 03.02.2003 directing the respondent no.2 to pass a reasoned and speaking order on the representation of the applicant. In strict

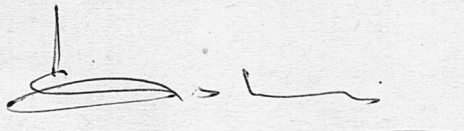
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compliance of the order the direction of the Tribunal, the competent authority considered the representation of the applicant and found him unsuitable. It is clearly observed that competent authority considering the over all performance/working report of the applicant, found him not up to the mark and also observed that there is no valid ground to grant proforma seniority over his juniors.

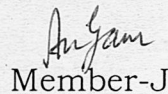
3. Shri D.S. Shukla, learned counsel for the respondents submitted that DPC being an expert body, the decision arrived at ^{by} DPC is not to be interfered with as a ^{is} court of appeal. Shri Sudhakar Pandey, learned counsel for the applicant could not point out any other illegality in the order dated 27.08.2003.

4. Having given our anxious thoughtful considerations to the pleas advanced by learned counsel for the parties, we are of the view that the applicant has not been able to make out ^{any} case warranting interference by this Tribunal.

5. OA is dismissed. No Costs.



Member-A



Member-J

/ns/