

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,

ALLAHABAD.

...

ORIGINAL APPLICATION NO. 661 OF 2004

this the 8th day of July 2004.

HON'BLE MRS. MEERA CHHIBBER, MEMBER(J)  
HON'BLE MR. S.C. CHAUBE, MEMBER(A)

Surajmal, S/o Sri Ram Prasad, aged about 57 years, working as Chief Controller, Agra Cantt, R/o 12/85, Khatikpara Opposite Raghunath Talkies, Agra.

Applicant.

By Advocate : Sri B.L.Kulendra.

Versus.

1. Union of India through G.M., N.C.R., Allahabad.
2. Chief personnel Officer in the office of G.M., N.C.R., Allahabad.
3. Chief personnel Officer in the office of G.M., Central Railway, Mumbai. C.S.T.

Respondents.

By Advocate : Sri K.P. Singh.

ORDER

BY MRS. MEERA CHHIBBER, MEMBER(J)

By this O.A., applicant has sought the following relief(s):

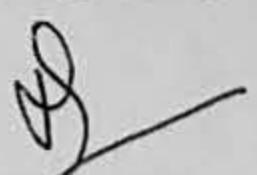
- "1. That this Hon'ble Tribunal may graciously be pleased to issue order or direction commanding the respondents to promote the applicant to class II service on non technical post and consequential benefits.
2. ....
3. ...."

2. The grievance of the applicant in this case is that even though he had passed the examination for the post AOM/ATM/AM (Group 'B' Service) in IRTS, but yet other officers were called ~~for~~ to appear in the viva voce test vide order dated 28.8.2003. The applicant was not called ~~for~~ to appear in viva voce test to be held on 1.9.2003 as medical examination certificate

*B*

in respect of him had not been received in the office of the Chief personnel Officer, therefore, it was recorded in the same letter that Sri Surajmal will be considered for viva-voce test only after receipt of medical fitness certificate from Jhansi Division (page 17). It is submitted by the applicant that he was medically examined on 28.8.2003 wherein he was found fit-Bee Two & below and unfit in class II for all technical services (page 18). It is submitted by the applicant that the medical certificate was sent immediately to the office of Chief Personnel Officer, but he was not called ~~for~~ to appear in viva-voce test. Therefore, being aggrieved, he gave a representation on 5.9.2003 requesting the Chief Personnel Officer to call him for viva voce test (page 19), which was duly forwarded by the office of D.R.M. (P), Agra (page 20) and was followed by reminders dated 5.10.2003 and 20.12.2003, but till date he has not been given any reply thereon. He has also given instances of Shri R.S. Malik and Jagdish Chandra, who were given ~~ahdec~~ appointment in Group 'B' in spite of some draw-back in their medical reports given ~~for~~ <sup>in B</sup> their case (page 23). He has, thus, prayed that the O.A. may be allowed and the relief, as claimed, may be granted to him.

3. Counsel for the respondents was seeking time to file Counter Reply, but we do not think, ~~that~~ it is necessary to call <sup>for</sup> Counter at this stage because the respondents have not even applied their mind to the representations made by the applicant as no reply has been given to him, as stated by him. We are of the opinion that this case can be disposed off at admission stage itself by giving appropriate directions to the respondents without going into the merits of the case. Accordingly, this O.A. stands disposed off at admission stage itself by giving a direction to the <sup>even 'a'</sup> respondent nos. 2 & 3, who ~~are~~ competent to decide the case, to consider the representations of the applicant



which are annexed with the O.A., as referred to above, and pass a detailed and reasoned order thereon within a period of three months from the date of receipt of copy of this order under intimation to the applicant.

4. With the above directions, this O.A. is disposed of with no order as to costs.

  
MEMBER (A)

  
MEMBER (J)

GIRISH/-