

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 13th day of September, 2004.

QUORUM : HON. MR. JUSTICE S.R. SINGH, V.C.
HON. MRS. ROLI SRIVASTAVA, A.M.

O.A. No. 1027 of 2004

Laxmi Narayan Agarwal, aged about 57 years, son of Shri
Bhagwan Das, resident of 17/5, C.P. Mission Compound,
Jhansi.....

.....Applicant.

Counsel for applicant : Sri R.K. Nigam.

Versus

1. Union of India through General Manager, North Central
Railway, Allahabad.
 2. Divisional Railway Manager, North Central Railway,
Jhansi.
 3. Shri Dhani Ram Channa, Senior Section Engineer (C&W),
through Divisional Railway Manager, North Central
Railway, Jhansi.
 4. Shri Basrat Khan, Senior Section Engineer (C&W) through
Divisional Railway Manager, North Central Railway,
Jhansi.
 5. Shri Ashok Kumar Ahuja, Section Engineer (C&W) through
D.R.M., North Central Railway, Jhansi.
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.....Respondents.

Counsel for respondents : Sri K.P. Singh.

O R D E R (ORAL)

BY HON. MR. JUSTICE S.R. SINGH, V.C.

Hear-d Sri R.K. Nigam, learned counsel for the
applicant and Sri K.P. Singh, learned counsel for the
Respondents. We have also perused the pleadings.

2. This O.A. has been instituted for issuance of a
direction to the respondents to promote the applicant as
Senior Section Engineer grade Rs.7450-11500 immediately
from the date ~~of~~ his juniors (Respondent Nos.3 and 4) were
promoted with all consequential benefits coupled with a
direction to place the applicant at Sl.No.1 of the



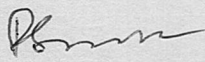
seniority list of Section Engineers grade Rs.6500-10500 published through impugned letter dated 4.4.2004. Further relief claimed is that the respondents be directed not to promote any incumbent existing in the cadre of Section Engineer to the post of Senior Section Engineer until such time as the applicant is promoted.

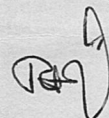
3. A perusal of the impugned letter dated 4.4.2004 would indicate that by means of the said letter objections have been invited as against the seniority list of C&W staff on Jhansi Division for the categories mentioned in the said letter. Counsel for the applicant submits that earlier in response to letter dated 20.6.2002 (Annexure-4) no one filed any objection and, therefore, the proposed seniority list attained finality and should be given effect to.

4. Having heard counsel for the parties we are of the considered view that since objections have been invited vide letter dated 4.4.2004, the application, in our opinion, is pre-mature and we are not persuaded to entertain this application for final hearing and the O.A. is liable to be dismissed at this stage itself.

5. Accordingly, the O.A. is dismissed in limini without prejudice to the right of the applicant to submit supplementary objection to the impugned notice which shall be considered in accordance with law along with the objections already filed in response to the impugned show cause notice.

No order as to costs.


A.M.


V.C.

Asthana/