

(19)

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH  
ALLAHABAD**

HON'BLE MR. A.K. GAUR, MEMBER (J).  
HON'BLE MRS. MANJULIKA GAUTAM, MEMBER (A).

Original Application Number. 1262 OF 2005.

ALLAHABAD this the 10<sup>th</sup> day of November, 2008.

Madan Lal Pathak, Sone of Sri Sachchidanand Pathak resident of House No. ET/75-A, Cantt. Colony, Mathura.

.....Applicant.

**VERSUS**

1. Union of India through General Manager, North Eastern Railway, Gorakhpur.
2. Divisional Railway Manager (Personnel), Izzat Nagar, North Eastern Railway, Bareilly.
3. Section Engineer (Path Way), Cantt./Railway Station, Mathura.

.....Respondents

Advocate for the applicant: Sri S.S. Sharma  
Advocate for the Respondents: Sri P.N. Rai

**ORDER**

**DELIVERED BY: HON'BLE MR. A.K. GAUR, J.M.**

The applicant, through this O.A has prayed for quashing of the impugned order dated 26.08.2005 passed by respondent No. 2 coupled with prayer to promote him to the post Junior Clerk from the post of Junior Trackman on the ground that since he was working on ad hoc basis and ~~was~~ succeeded in the written test, ~~and~~ in view of the circular No. 831-B/63/2-X (iv) dated 19.03.1976, even if he did not secure the qualifying marks in viva voce, his candidature cannot be rejected. For our perusal, learned counsel for the applicant has placed the copy of circular (referred to above).

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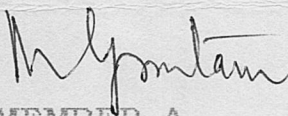
2. On the other hand, learned counsel for the respondents has submitted that the candidature of the applicant has rightly been rejected.

3. Having heard learned counsel for the parties and after perusing the circular (referred to above), we are fully convinced that the applicant is entitled for the benefit of circular dated 19.03.1976 (referred to above).

4. Accordingly we direct the applicant to file a detailed and comprehensive representation alongwith certified copy of this order as well Circular dated 19.03.1976 within two weeks from today before the competent authority and the said authority shall consider and decide the same by a reasoned and speaking order meeting all the contentions raised by the applicant in his representation as well as the circular dated 19.03.1976, within a period of three months on receipt of certified copy of the order, as contemplated above, in accordance with law and relevant rules on the subject (as referred above) and communicate the decision by registered post to the applicant.

5. With the aforesaid directions, the O.A is disposed of finally with no order as to costs.

Be noted that we have not passed any order on merits of the case.

  
MEMBER- A.

  
MEMBER- J.

/Anand/