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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

Original Application No.1303 of 2005.

Allahabad, this the 10th day of November,2005.

Hon'ble Mr. A.K. Bhatnagar, Member-J
Hon'ble Mr. A. K. Singh, Member-A

Nirmal Kumar Srivastava,
Son of Shri Hari Narain Srivastava,
Resident of House No.99/1,
Hazaraana, Bara Bazar,
District Jhansi.
Pin Code No.284002.Applicant.

(By Advocate : Shri R. K. Mishra)

Versus

1. The Union of India, through the General Manager,
Northern Central Railway, allahabad.
2. The Divisional Railway Manager (Karmik),
Northern Central Railway, Jhansi.
3. The Senior Divisional Engineer (Diesel Loco),
Loco Shed, Northern Central Railway, Jhansi.
.....Respondents.

(By Advocate : Shri Zafar Moonish)

O R D E R

By Hon'ble Mr. A. K. Bhatnagar, J.M. :-

According to the applicant while working in Diesel Mechanical Grade.III, he appeared for the trade test of Diesel Mechanical Grade.II and was declared passed by order dated 30.1.1990 issued by Divisional Railway Manager (P) Jhansi (filed as Annexure-A-7) in which the name of the applicant is on Sl. No.33. Thereafter, the applicant was promoted to Mechanical Grade.II in the pay scale of Rs.1200-1800 (RPS) by order dated 11.7.1990, issued by Divisional Railway Manager (P) Jhansi (filed as Annexure-A-8). As per counsel for the applicant,

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the applicant has been working on the post of Diesel Mechanical Grade.II since 1990 till date.

2. The grievance of the applicant is that suddenly by letter dated 2.11.2004 (Annexure-A-1), letter dated 22.3.2005 (Annexure-A-2) and letter dated 22.9.2005 (Annexure-A-3), the applicant was asked to appear in the test meant for promotion for the post of Diesel Mechanical Grade.II which has already been passed by the applicant on 30.1.1990. The applicant has continuously been served on this post ~~for~~ ^{for} last 15 years so the action of the respondents in asking the applicant to appear again for the same examination is not justified and arbitrary.

3. During the course of the arguments, learned counsel for the applicant submitted that he has filed a representation to respondent No.3 i.e. Senior Divisional Engineer (Diesel Loco), Diesel Loco Shed, Northern Central Railway, Jhansi on 23.9.2005 regarding his grievances but no action has so far been taken by the respondents and the applicant shall be satisfied if his representation dated 23.9.2005 (Annexure-A-18) so filed by him is decided by the Competent Authority as per Rules by a reasoned and speaking order within a specified period.

4. After hearing the counsel, we are of the considered view that this OA can be disposed of at the admission stage itself without calling for counter affidavit by issuing an appropriate direction.

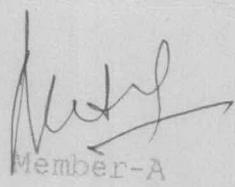
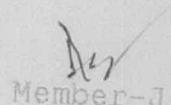
5. Without going into the merit of the case, we direct to respondent No.3 to decide the representation which is received in the office on

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23.9.2005 by a reasoned and speaking order as expeditiously as possible preferably within six weeks from the receipt of the copy of this order. The copy of the OA may also be treated as part of the representation. We also deem it appropriate to direct the respondents to maintain status-quo as on today in respect of the applicant till the decision of the representation of the applicant.

6. For early decision in this matter the applicant's counsel may send copy of this OA to the Competent Authority immediately.

7. Let the copy of this order alongwith copy of the OA meant for respondents be handed over to Shri Zafar Moonish dasti within 24 hours.


Member-A
Member-J

RKM/