

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/01798/2018

DATED THIS THE 31<sup>ST</sup> DAY OF DECEMBER, 2019

**HON'BLE DR.K.B.SURESH, MEMBER (J)**

**HON'BLE SHRI C.V. SANKAR, MEMBER (A)**

M. Jayarama  
S/o M. Mahadevappa  
Aged 48 years  
Technician//Aircondition wing  
SSE/AC/O/SWRailway/Yeshwanthpur

.....Applicant

(By Advocate Shri K. Shivakumar)

Vs.

1. Union of India,  
Represented by General Manager  
South Western Railway, Hubli

2. Senior Divisional Personnel Officer,  
South Western Railway, Bangalore

....Respondents

(By Shri J. Bhaskar Reddy, Counsel for the Respondents)

O R D E R (ORAL)  
(HON'BLE DR. K.B. SURESH, MEMBER (J))

This is a strange case of applicant being denied promotion on the ground that his senior, who they considered to be eligible, had been absenting himself continuously for more than 6 years but for some reason or other they have not taken disciplinary action against him. On the same ground, out of reserved vacancies for Scheduled Tribes, applicant being the 3<sup>rd</sup> in the list was

denied promotion but now it so happened that the senior had passed away some time back. Therefore, without any doubt, applicant is eligible to be considered for it. There will be a mandate to the respondents to consider him and pass an appropriate order within one month next.

2. The OA is allowed. No order as to costs.

(C.V. SANKAR)  
MEMBER (A)

(DR.K.B.SURESH)  
MEMBER (J)

/ksk/

**Annexures referred to by the applicant in OA No. 170/01798/2018**

Annexure A1 Copy of the unwillingness letter dated 11.11.2017

Annexure A2 Copy of the representation dated 13.11.2017

Annexure A3 Copy of the representation dated 01.03.2018

Annexure A4 Copy of the letter dated 27.03.2018

Annexure A5 Copy of the RTI reply dated 12.06.2018

**Annexures referred in reply statement**

Annexure R1 Copy of the Memorandum dated 11.12.2017

Annexure R2 Copy of the pay slip of July, 2019

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