

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.203/00210/2021

Jabalpur, this Friday, the 19th day of March, 2021

HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER
HON'BLE MS. NAINI JAYASEELAN, ADMINISTRATIVE MEMBER



A. Ramesh Babu aged 38 years CH OS under Sr. DPO/R S/o A Krishna Rao Plot No. 477/21 Indira Nagar, Charoda Post BMY Dist Durg PIN 490025 (C.G.) **-Applicant**

(Applicant present in person)

V e r s u s

1. The Secretary, Railway Board Rail Bhawan, New Delhi 110001
2. Union of India, Through General Manager, S.E.C. Railway Bilaspur 495004 (CG)
3. Principal Chief Personnel Officer, S.E.C. Railway GM's Office Complex S.E.C. Railway Bilaspur 495004 (C.G.)
4. Senior Divisional Personnel Officer SEC Railway DRM's Office Complex Raipur Division 492008 (C.G.)
5. Shri R.K. Gupta Assistant Personnel Officer, Railway Recuritment Cell Office of PCPO/SEC Railway Bilaspur 495004 (C.G.)
6. Shri Amresh Shukla Assistant Personnel Officer Office of the CWM Motibagh Workshop SEC Railway Kamptee Road, Kadbi Chowk Nagpur 440004 (Maharastra) **- Respondents**

(By Advocate –**Shri A.S. Raizada**)

O R D E R (Oral)

By Ramesh Singh Thakur, JM:-

Heard.

2. This Original Application has been filed against the discriminatory and arbitrary approach of the respondent Railway by not acting upon the representation dated 06.01.2021 of the applicant for review of his performance in the selection for promotion to the post of APO Grade 'B' against 70% quota and for providing reservation in promotion to employees with disabilities in Grade 'C' Grade 'B' and Grade 'A' departmental promotional quota posts as per the various judicial pronouncements.

3. From the pleadings the case of the applicant is that the applicant was appointed as Junior Clerk in Railway against the Physically Handicapped Quota on 30.11.2002 and presently holding the post of Ch.OS in Level-7 of 7th CPC pay matrix in the Personnel Department of Raipur Division, S.E.C. Railway. The respondent No.2 issued notification for selection for formation of a panel for two posts of APO/AWO (Group 'B') *UR-02, SC-00, ST-11) 5th cycle against 70% departmental quota from eligible Group C employees within the jurisdiction of South East Central Railway and finalized the selection in which no posts has been reserved for employees with disabilities. The applicant applied and



appeared in the selection for the said post. The respondents conducted written test for selection to the post of APO (Grade 'B') against 70% quota on 29.09.2019 in which the applicant had participated. The applicant with other 09 candidates had qualified and was called for viva-voce on 08.01.2020. The applicant scored highest meritorious marks of 158.1 out of 200 i.e. 79.05%. Para 204.8 of Indian Railway Establishment Manual Volume-I 1989 has not been considered by the Selection Committee. It has been further submitted by the applicant that the detailed representation has been made vide Annexure A/1 to the General Manager SEC Railway Bilaspur through proper channel on 06.01.2021 which is still pending and has not yet been decided.

4. At this stage learned counsel for the applicant submits that the applicant will be satisfied if the respondents are directed to decide Annexure A/1 in a time bound manner.

5. Learned counsel for the respondents submits that he has no objection if the Original Application is disposed of in above manner.

6. We have considered the matter and we are of the view that the natural justice will be met if the competent authority of the respondents are directed to decide the representation dated 06.01.2021 (Annexure A/1) in a time bound manner.



7. Resultantly, the competent authority of the respondents is directed to decide the applicant's representation dated 06.01.2021 (Annexure A/1), if not already decided, within a period of three months after receiving the copy of this order.

8. Needless to say that the respondents shall pass the reasoned and speaking order. Respondents shall also deal with all the contentions raised in Annexure A/1.

9. With these observations, this Original Application is disposed of at admission stage itself.

10. It is made clear that this Tribunal has not touched the merits of the case.



(Naini Jayaseelan)
Administrative Member

(Ramesh Singh Thakur)
Judicial Member

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