

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 30th day of August of 2000.

CORAM :-

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

Hon'ble Mr. S. Biswas, Member (A).

Original Application No. 659 of 1993.

B.R. Tripathi, S/o Late Raghav Ram Tripathi  
working as Chargeman in PCO under DEE (workship)  
N.E. Railway, Gorakhpur.

.....Applicant.

Counsel for the applicant:- Sri R.P. Srivastava.

V E R S U S

1. Union of India through the General Manager  
Northern Eastern Railway, Gorakhpur.
2. Chief Personel Officer, N.E. Railway, Gorakhpur.
3. Chief Electrical Engineer, (W)  
N.E. Railway , Gorakhpur.
4. District Electrical Engineer (W),  
N.E. Railway, Gorakhpur.

.....Respondents.

Counsel for the respondents:- Sri Prashant Mathur.

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O R D E R (oral)

(By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.)

By this application under section 19 of Administrative Tribunals Act, 1985 applicant has prayed that respondents may be directed to promote the applicant in the grade Rs. 550.-750 (RS) w.e.f 01.01.84 and thereafter, to promote him to next higher grade i.e. Rs. 700-900 and to give all consequential benefits arising out of this promotion. For this relief applicant filed Civil Suit in the court of Munsif in the year 1984. Suit was dismissed and appeal was transferred to this Tribunal which was registered as T.A. 1116/1986. The Tribunal after hearing the applicant, dismissed the appeal on 15.04.88. Thereafter, applicant filed the review application No. 63-B-T/88 which was rejected by order dated 26.02.92 with the observation that if there is some subsequent development ~~has been done~~, it is for the applicant to approach the department and to claim the relief on the basis of the <sup>document</sup> ~~document~~ on which ~~basis the~~ reliance has been placed <sup>in</sup> the letter dt. 20.02.87 in which a recommendation was made in favour of the applicant for obtaining ~~the~~ sanction from the Higher authorities for granting <sup>exemption</sup> ~~exemption~~ in the matter of promotion and also filed the seniority list in which the regularisation was done on 01.04.78. It has been stated that applicant <sup>filed</sup> representation before the General Manager, N.E. Railway, Gorakhpur on 08.06.92 but the application has not been decided. It has been also claimed that the applicant is entitled for consequential reliefs.

2. We have considered the submission of learned counsel for the applicant.

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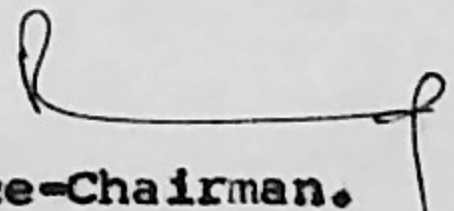
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However, we are of the opinion that so far this Tribunal is concerned the issue<sup>u</sup> has already been examined and answered. The applicant can take benefit of the observation made in the order dated 26.02.92 for making an application<sup>u</sup> before departmental authorities, but he can not reppen the same issue on basis of the documents which were considered and rejected by the Tribunal. At<sup>u</sup> most applicant may pray<sup>u</sup> for a direction to the G.M. N.E. Railway, Gorakhpur to decide his representation at an early date.

3. The application is accordingly disposed of finally with the direction to the General Manager, Northern Eastern Railway, Gorakhpur to decide the representation of the applicant dated 08.06.92 by a reasoned order within a period of three months from the date a copy of order placed before him. In order to avoid delay<sup>u</sup> we shall also<sup>u</sup> open to the applicant to file a fresh copy of the application alongwith copy of this order.

4. There will be no order as to costs.

S. B. Sin  
Member(A)

  
Vice-Chairman.

/Anand/