

DATED : ALLAHABAD THIS THE 5th January, 1996.

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QUORUM : Hon'ble Mr. T. L. Verma, Member-J
Hon'ble Mr. D. S. Baweja, Member-A

ORIGINAL APPLICATION NO. 400 of 1995.

Phool Chand Meena son of Ram Karan R/o. R.B.II/92,
Central Railway Colony, near Govind Nagar,
Kanpur

..... Petitioner.

(By Advocate Sri R. K. Nicam)

Versus

1. Union of India through Secretary,
Railway Board, Ministry of Railways,
New Delhi.
2. General Manager, Central Railway,
Bombay V.T.
3. Divisional Railway Manager, Central Railway,
Jhansi.
4. Assistant Engineer, Central Railway, Kanpur.

..... Respondents

O R D E R (Oral)

(By Hon. Mr. T. L. Verma, Member-3)

The applicant, who belongs to Scheduled Tribe and is serving as Head Clerk in the office of Assistant Engineer Central Railway, Kanpur, has filed this application for issuing a direction to the respondents to decide his representation dated 23.3.1995 and not to promote any one on the post of Office Superintendent, Grade 1600-2600 pending decision his representation.

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2. The applicant was promoted as Head Clerk by order dated 20.12.1994. He is claiming promotion to the post of Office Superintendent in grade Rs.1600-2660/- against vacancy meant for Scheduled Tribe candidate. It is alleged that the respondents have arbitrarily excluded the name of the applicant for promotion to the post meant for Scheduled Tribes on incorrect fact that 'NO SCHEDULED CASTE CANDIDATE WAS AVAILABLE'. We have perused the averments made in the application and we find that the applicant has nowhere stated as to whether he fulfils the eligibility conditions, as per the extant rules, for promotion to the post of Office Superintendent. Generally a candidate is required to have put in minimum two years in the lower grade for being considered for promotion to the higher grade. The applicant was promoted as Head Clerk on 25.12.1994. He had thus, not put in two years service in that grade on the date the promotion to the post of Office Superintendent was notified. In absence of adequate material, we are not in a position to hold, even prima-facie, that the applicant is eligible for promotion to the post of Office Superintendent. Therefore, we do not consider this ^{to be a fact} ~~fact~~ for admission.

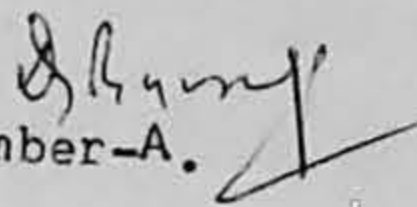
3. The applicant is stated to have filed a representation for considering his promotion to the post of Office Superintendent against Scheduled Caste Quota which is still pending. The applicant, therefore, is entitled to atleast a reply to the representation filed by him. We therefore, deem it appropriate to issue a direction to the respondents to dispose of the

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representation dated 23.3.1995 filed by the applicant by reasoned and speaking order within a period of three months from the date of receipt of this order.

4. With the above direction, this application is disposed of at the admission stage.


Member-A.


Member-J

Pandey/-