

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 4TH DAY OF SEPTEMBER, 2000

Original Application No.896 of 1995

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MR.M.P.SINGH, MEMBER(A)

Arun kumar, Son of Shri R.R.Sharma
Guard, Northern Railway,
Allahabad, R/o House No.21 D/l, Kala Danda
Himmatganj, Allahabad.

... Applicant

(By Adv: Shri K.S.Saxena)

Versus

1. The Union of India through General Manager
Northern Railway, Baroda House,
New Delhi.
2. The Divisional Railway Manager,
Northern Railway, Allahabad.
3. The Divisional Personnel Officer,
Northern Railway, Allahabad.
4. Shri Hasan Askari, Senior Goods Guard,
C/o Chief Controller, Northern railway
DRM Office, Allahabad.

... Respondents

(By Adv: Shri A.K.Gaur)

O R D E R(Oral)

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

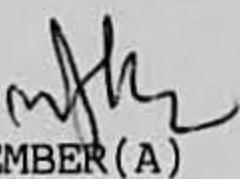
By means of this application u/s 19 of the A.T.Act 1985, the applicant had challenged the promotion order dated 25.11.1994 by which promotion has been granted ^{in form} ~~in~~ the post of Goods Guards, ^{to} ~~against~~ the post of Senior Goods Guards. The case of the applicant is that he is direct recruit and he was appointed on 7.11.1982, whereas respondent no.4 Hasan Askari who is mentioned at sl.no.48 in the impugned list of promotion was promoted and he joined on 3.12.1982 but he has been shown senior to the applicant and has been promoted. Learned counsel has placed reliance in judgement of Hon'ble Supreme Court in case of 'Kuttiyappan Vs.Union of India and Others, 1997 SCC(L&S) pg83.

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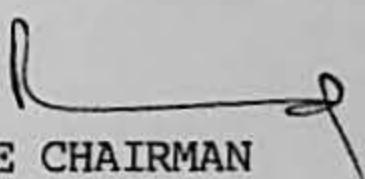
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It appears that before coming to this court applicant filed a representation dated 6.12.1994(Annexure A2) but the representation has not been decided. In our opinion, the ends of justice in the present case shall be better served if the respondents 1 to 3 are directed to decide the representation of the applicant by a reasoned order within a specified time after hearing both sides.

The application is accordingly disposed of finally with the direction to respondent no.2 to decide the representation of the applicant within three months from the date of a copy of this order is filed before him in accordance with law after hearing the parties concerned. in order to avoid delay, it is provided that it shall be opened to the applicant to file a fresh representation alongwith copy of this order before respondent no.2. No order as to costs.



MEMBER (A)



VICE CHAIRMAN

Dated: 4.9.2000

Uv/