

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD
BENCH ALLAHABAD**

(THIS THE 11th DAY OF NOVEMBER, 2009)

PRESENT

HON'BLE MR. JUSTICE A. K. YOG, MEMBER (J)
HON'BLE MR. D. C. LAKHA, MEMBER (A)

ORIGINAL APPLICATION NO. 1153 of 2002
(Under Section 19, Administrative Tribunal Act, 1985)

Shri Nootan Prakash, aged about 38 years, Son of Shri Ragho Ram,
Resident of 403-B, New Model Railway Colony, Izatt Nagar, Bareilly.

..... **Applicant.**

By Advocate : Shri T.S. Pandey

V E R S U S

1. Union of India through the General Manager, North Eastern Railway, Gorakhpur.
2. Divisional Railway Manager, North Eastern Railway, Izett Nagar Division, Bareilly.
3. Senior Divisional Mechanical Engineer (Diesel), North Eastern Railway, Izett Nagar Division, Bareilly.
4. Shri Madan Gopal Mishra, Technical Grade-III, Diesel Shed, N.E. Railway, Izett Nagar Division, Bareilly.
5. Awnish Kumar Tiwari, Son of Sri B.P. Tiwari, C/o SSE Diesel, Diesel Shed, Izett Nagar, Bareilly.
6. Hari Singh, Son of Sri Ram Dhan, C/o SSE Diesel, Diesel Shed, Izett Nagar, Bareilly.
7. Suresh Chand, Son of Sri Desh Raj Sing, C/o SSE Diesel, Diesel Shed, Izett Nagar, Bareilly.

..... **Respondents**

By Advocate : Shri Anil Dwivedi



ORDER

Delivered by Hon'ble Mr. Justice A.K. Yog, Member-J :

Heard Shri T.S. Pandey learned counsel for the applicant and Shri Anil Dwivedi learned counsel for the Respondents.

2. By means of this O.A. the applicant seeks to challenge order dated 09.03.2000 (Annexure-A-1/Compilation-I) that respondents authority has rejected the representation of the applicant dated 07.02.2000 regarding his seniority and other consequential advantage on the ground that there was no justification to consider the case of the applicant after lapse of long time. Copy of the above referred representation dated 27.01.2000/07.02.2000 is Annexure-9/Compilation-II. Under this representation, applicant claimed for benefit of promotion w.e.f. June 8, 1994.

3. The representation shows that it was preferred by 15 applicants, who were selected and also sent for training. The applicant refers to para 1.9 of Indian Railway Establishment Manual, Vol.I 1989 and according to the applicants they claim promotion under 25% direct quota on the ground that they are candidates who have successfully pursued IIT course and qualified as 'apprentice'.

4. Reason assigned in the impugned order for not considering the representation of the applicant on merit, cannot be said to be a good reason. The claim of the applicant ought to have been considered on merit.


5. Accordingly, we set aside the order dated 8.3.2000 (Annexure-1) and direct the concerned authority to decide the representation of

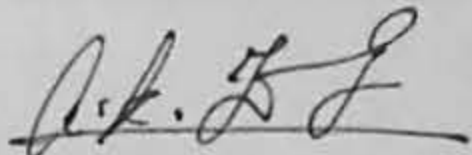




the applicant (referred to above) on merits within a period of three months from the date of receipt of copy of this order.

6. The OA stands allowed subject to above direction. No costs.


Member-A


Member-J

RKM/