

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD**

Original Application No.124 of 2003

Allahabad, this the 9th day of September, 2008.

Hon'ble Mr. A.K. Gaur, J.M.

Hon'ble Mrs. Manjulika Gautam, A.M.

Preetam Singh Yadav, S/o late Baijnath Yadav, R/o House no. 429, Isai Tola, Prem Nagar, District Jhansi.

...Applicant.

By Advocate : Sri M.K. Mishra.

Versus

1. Union of India through the G.M. N.C.R., Allahabad.
2. D.R.M., N.C.R., Jhansi Division, Jhansi.
3. The Loco Agrajan (Diesel) Anubhag, N.C.R., Jhansi Division, Jhansi.

...Respondents.

By Advocate : Shri D. Awasthi.

O R D E R

By A.K. Gaur, Member-J

According to the applicant, he is much senior to one Sri Raj Kumar Sharma who was impleaded as respondent no.4, but subsequently the name of respondent no.4 has been deleted vide orders dated 19.2.2007 and 22.2.2008. The learned counsel for the applicant stated at the bar that the respondent has already died during the pendency of this O.A. It is also contended that Sri Raj Kumar Sharma had already preferred O.A. before this Tribunal with regard to seniority by filing O.A. no. 1424 of 2001, which is still pending for consideration. According to the applicant, S/Sri Chhote Khan and Sunder Khan have already been promoted as Compressor Operator Gr. I. Annexure-10 to the O.A. is the seniority list of Compressor Gr.II, wherein the name of the applicant finds place at sl. No. 2. From the records, it is evident that the case of the applicant for promotion

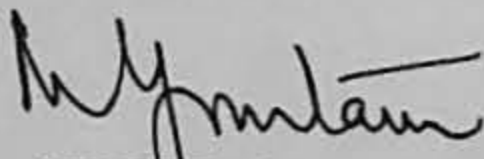
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as Compressor Gr.I has not been considered by the respondents in accordance with the provisions of rules. Sri D. Awasthi, learned counsel for the respondents submitted that there is no vacancy of Compressor Operator Gr.I at present.

2. The learned counsel for the applicant also submitted that the respondents have admitted in their Counter Affidavit that the applicant has passed trade test in the year 2001.

3. Having heard the parties' counsel at length we hereby direct the applicant to prefer a detailed^y representation to the respondent authorities within a period of two weeks from the date of receipt of a certified copy of this order. On receipt of such representation, the competent authority shall consider and decide the same after taking into account the seniority position of the applicant keeping in mind that the applicant had passed trade test in the year 2001, and if he is entitled to get promotion as Compressor Operator Gr.I, the same may be given to him within a period of three months from the date of receipt of such representation.

4. In view of the above observation, the O.A. stands disposed of with no order as to costs.


MEMBER-A

GIRISH/-


MEMBER-J