

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD**

HON'BLE MR.A.K. GAUR, MEMBER (J).
HON'BLE MRS. MANJULIKA GAUTAM, MEMBER (A).

Original Application Number. 995 OF 2006.

ALLAHABAD this the 25th day of February, 2009.

Rishi Kumar, Personal No. 008395 Ward Assistant Ordnance Clothing Factory Nirmani Hospital, District- Shahjahanpur.Applicant.

V E R S U S

1. Union of India through Secretary, Ministry of Defence, New Delhi.
2. Ordnance Clothing Factory Shahjahanpur through its General Manager .
3. Chief Medical Officer/Incharge Ordnance Clothing Factory Hospital, Shahjahanpur.
4. Ram Shankar Rastogi, Personal No. 8397 Ward Assistant, at present Medical Assistant, Ordnance Clothing Factory Hospital Shahjahanpur.
5. Sri Gayasuddin Personal No. 8608, Ward Assistant at present Medical Assistant Ordnance Clothing Factory Hospital, Shahjahanpur.

.....Respondents

Advocate for the applicant: Sri R.B. Gaur
Advocate for the Respondents : Sri Ajay Singh

O R D E R

(Delivered By Hon'ble Mr. A.K. Gaur, J.M.)

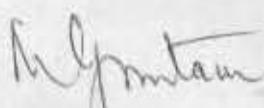
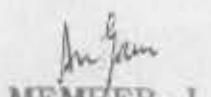
The applicant through the instant O.A has prayed for issuance of a writ, order or direction in the nature of certiorari quashing the impugned order dated 22.04.2006 passed by respondent No. 2 coupled with direction to the respondents in the nature of mandamus to promote the applicant on the post of Medical Assistant.

2. Learned counsel for the applicant also contended that although the applicant has been given promotion w.e.f. 01.04.2008 whereas similarly situated persons have been given promotion w.e.f. 22.04.2006. Learned counsel for the applicant would further contend that grievance of the applicant might be redressed if a direction is given to the applicant to file representation before the concerned competent authority, who shall consider and decide the same within a specified period of time.

3. Having heard learned counsel for both sides, we hereby direct the applicant to file a certified copy of this order alongwith complete copy of the O.A (with all annexures) and comprehensive representation, within two weeks from the date of receipt of certified copy of the order before competent Authority and the said authority shall consider and decide the same by a reasoned and speaking order meeting all the contentions raised by the applicant in his representation within a period of three months on receipt of certified copy of the order, as contemplated above, in accordance with law and relevant rules on the subject and communicate the decision to the applicant forthwith.

4. With the aforesaid directions, the O.A is disposed of finally with no order as to costs.

Be it noted that we have not passed any order on merits of the case.


MEMBER-A.
MEMBER-J.

/Anand/