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Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD**

ALLAHABAD this the 6th day of **November, 2006.**

HON'BLE MR. K. ELANGO, MEMBER-J.
HON'BLE MR. P.K. CHATTERJI, MEMBER-A

ORIGINAL APPLICATION NO. 1208 OF 2006

Brij Kishore, S/o Bishambhar Dayal, Aged about 50 years, presently working as Chief Parcel Supdt. N.C. Railway, Kanpur

.....Applicant

V E R S U S

1. Union of India through General Manager, Northern Central Railway, Headquarter Office, Nawab Yusuf Road, Allahabad.
2. General Manager, Northern Railway, Headquarters Office, Baorda House, New Delhi.
3. Chief Personnel Office, Northern Railway, Headquarters Office, Baroda House, New Delhi.
4. Secretary (E-GP), Railway Board, Rail Bhawan, New Delhi.
5. Divisional Railway Manager, North Central Railway, DRM's office, Nawab Yusuf Road, Allahabad.

.....Respondents

Present for the Applicant: Sri S. Ram.
Present for the Respondents: -----

O R D E R

BY P.K. CHATTERJI, MEMBER-A

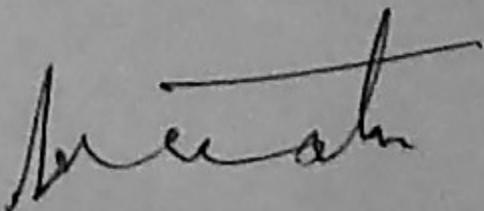
The applicant is aggrieved that the respondents are not giving promotion as Asstt. Commercial Manager (Group 'B) as per the provisions of Railway Board letter no.81-E/(SCT)/15/26 dated 15.4.1981. The applicant appeared in the written

breath

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test for selection as Asstt. Commercial Manager. He has qualified in the written test, but he could not clear the Viva voice. For this reason, he has not been offered promotion by the respondents to the afore-mentioned post. The applicant has brought ^{to} our notice the Railway Board's circular, referred to above, which provides that if ^{the} examination for appointment of Asstt. Commercial Manager SC/ST candidates failed to qualify and ^{as} a result thereof, the reserved vacancies are not filled up, then such SC/ST candidates who have not qualified in the Viva Voce may be promoted on adhoc basis for six months against reserved posts in the Commercial Department and thereafter their retention will be decided on the basis of their performance.

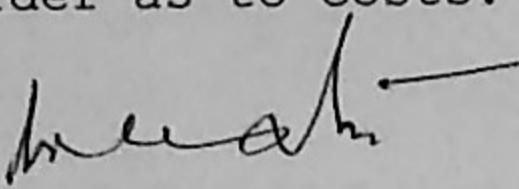
2. The applicant is aggrieved that in spite of there being such clear cut direction of the Railway Board, the respondents are not giving him the benefit. He has also brought to our notice a representation which he has made to the General Manager, Northern Railway, New Delhi-1 dated 12.4.2006 requesting him to consider his case as per the afore-mentioned directions of the Railway Board and take a favourable decision. However, the respondents have not taken any decision in the matter so far. We are of the view that the interest of the applicant would be served if the Tribunal issues direction to the respondent no.2 i.e. General Manager, Northern Railway, Baroda House, New Delhi



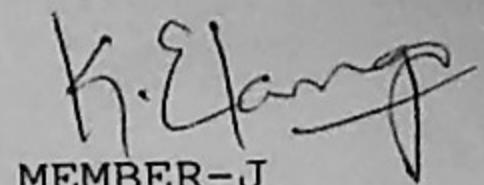
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to consider the representation of the applicant dated 12.4.2006 and take appropriate decision as admissible under the rules and particularly with regard to the Railway Board's directive, referred to above, and take suitable decision and also pass a reasoned and speaking order in the matter. This may be done within a period of three months from the date of receipt of copy of this order.

3. The O.A. is disposed of in the above terms with no order as to costs.



MEMBER-A



MEMBER-J

GIRISH/-