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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.1380 OF 2006
FRIDAY, THIS THE 5TH DAY OF JANUARY, 2007

HON'BLE MR. K. ELANGO, MEMBER-J
HON'BLE MR. M. JAYARAMAN, MEMBER-A

Jagdish Narain son of Sri Nathu Ram,
Resident of 23-A/D, Loco Colony (Near Kath Ka Pul),
District-Kanpur.

..... Applicant

By Advocate : Shri S. Dwivedi

Versus

1. Union of India through the General Manager,
North Central Railway, Allahabad.
2. The General Manager,
North Central Railway, Allahabad.
3. The Divisional Railway Manager,
North Central Railway, Allahabad Division,
Nawab Yusuf Road, Allahabad.
4. The Divisional Personnel Officer,
North Central Railway, Allahabad Division,
Office of DRM, North Central Railway, Allahabad
Division, Nawab Yusuf Road, Allahabad.
5. The Sr. Personnel Officer,
North Central Railway, Allahabad Division,
Office of DRM, North Central Railway, Allahabad
Division, Nawab Yusuf Road, Allahabad.
6. Sri Ajay Kumar Jain,
Section Engineer (Works), Posted under the
Assistant Engineer, Head Quarter Office, North
Central Railway, Kanpur.
7. Sri Praveen Kumar Pandey,)All are posted on the
)post of Section Engineer
8. Sri Girish Kumar.) (Works) Under the Dy.
)Chief Engineer (Cons-
9. Sri Narendra Kumar Sharma)truction, North Central
)Railway, Alld. Division
10. Sri Vinay Kumar Singh.)Allahabad.
11. Sri Ashish Kharey,
Section Engineer (Works), posted under the
Assistant Divisional Engineer, Head Quarter,
North Central Railway, Kanpur.
12. Sri Mohd. Waheed,
Section Engineer (Works), posted under the
Assistant Divisional Engineer, Head Quarter,

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North Central Railway, Allahabad.

13. Sri Manish Kumar Srivastava,
Section Engineer (Works), posted under the Dy.
Chief Engineer (Construction), North Central
Railway, Allahabad.
14. Sri Anup Kumar Pandey,
Section Engineer (Works) posted under the
Assistant Divisional Engineer, Head Quarter,
North Central Railway, Allahabad.
15. Sri Anant Kumar Kesarwani,
Section Engineer (Works),
Posted under the Dy. Chief Engineer
(Construction), North Central Railway,
Allahabad.
16. Sri Dinesh Kumar Singh,
Section Engineer (Works), Posted under the
Assistant Divisional Engineer, Head Quarter,
North Central Railway, Allahabad.
17. Sri Tribhuwan Narain Singh,
posted under the Dy. Chief Engineer
(Construction), North Central Railway, Allahabad.
18. Sri Ashok Kumar Shukla,
Section Engineer (Works), Posted under the
Assistant Divisional Engineer, Head Quarter,
North Central Railway, Allahabad.
19. Sri O.P. Talreja,
Section Engineer (Works), posted under the
Principal, CETA, Kanpur.
20. Sri Lal Ji,
Section Engineer (Works),
Posted under the Dy. Chief Engineer
(Construction), North Central Railway,
Allahabad.
21. Sri Nand Lal,
Section Engineer (Works), Posted under the
Assistant Divisional Engineer, Head Quarter,
North Central Railway, Allahabad.

..... Respondents

By Advocate : Nil

O R D E R

HON'BLE MR. M. JAYARAMAN, MEMBER-A

Learned counsel for the applicant submitted that
he is aggrieved by the order passed by the respondents

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dated 16.02.2006 (page 32, Annexure A-4) wherein he has been shown at serial no.22, whereas according to him, he should have been shown at serial no.6 according to the seniority for which he relies upon the seniority list purported to have been issued by the respondents (page 22, Annexure A-1). He also draws reference to para 13 of the OA wherein he has quoted Rule 219 (J) of the Indian Railway Establishment Manual Vol I. In his view, since there was no one who had secured a total of more than 80% marks to be classed as outstanding, none could supersede him. He made a representation dated 17.04.2006 (Annexure A-6) to the Senior Divisional Personal Officer, Allahabad followed by letter dated 05.07.2006 (page 35, Annexure A-7) and vide letter dated 29.09.2001 (page 36, Annexure A-8) addressed to the Divisional Railway Manager and finally by letter dated 09.11.2001 (page 37, Annexure A-9). He states that till date he has not been favoured with any reply.

2. We have considered the pleadings made by the counsel for the applicant and we have also perused the records.

3. We are of the view that at this stage it would not be possible for the Tribunal to interfere in the matter since it has not been shown to us that there is any illegality or violation of Rules with regard to impugned order dated 16.02.2006, which purportedly, is



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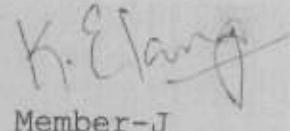
a result of the written examination held on 11.09.2005 followed by supplementary on 18.09.2005. Further, as per Rule 219 (J), there appears to be provision for supersession of certain officers if they had obtained a total of more than 80 marks to be classed as outstanding. However, we note that the representation made by the applicant to the respondents have not been replied to particularly by respondent no.5 Senior Divisional Personal Officer North Central Railway, Allahabad Division.

4. We accordingly feel that this OA can be disposed of at this stage by issuing a suitable direction to the said authority. We hereby direct respondent no.5, the Senior Divisional Personal Officer, North Central Railway, Allahabad Division to consider and issue a suitable reply to the applicant in response to his representations dated 17.04.2006 and 05.07.2006 as also any fresh representation that may be filed by the applicant, within a period of two months from the date of receipt of this order.

5. The OA is disposed of accordingly. No order as to costs.



Member-A



Member-J

/ns/