

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH: ALLAHABAD.**

ALLAHABAD, THIS THE 13th DAY OF MARCH, 2006.

QUORUM : HON. MR. A.K. BHATNAGAR, J.M.

**ORIGINAL APPLICATION NO. 238 OF 2006**

M.E.S.No.421455 K.C. Joshi, Son of Shri Hari Dutt Joshi, Presently working as U.D.C. at Garrison Engineer, Fatehgarh Cantt, District Farrukhabad, resident of, T-10/6, Site No.3, Fatehgarh Cantt, Distt. Farrukhabad

..... Applicant.

Counsel for applicant : Shri Subhash Ghosh.

Versus

1. Union of India through Secretary, Defence (Department of M.E.S.), New Delhi.
2. Engineer in Chief, Military Engineer Service, Directorate General (Pers.), Army Headquarter, Kashmir House, D.H.Q. Post Office, New Delhi.
3. Chief Engineer, Headquarter, Central Command, Lucknow.

..... Respondents.

Counsel for Respondents : Sri S. Singh.

**O R D E R**

HON. MR. A.K. BHATNAGAR, J.M.

By this O.A., the applicant has prayed for the following reliefs :-

1. The Hon'ble court may be pleased to quash the impugned promotion panel list dated 7.8.2003 (Annexure-1 to the Compilation I of the Original Application), passed by Respondent no.3 subsequently keeping the promotion of the candidates intact.
2. The Hon'ble Court may be pleased to direct the respondents to prepare a fresh promotion list for the promotees U.D.C. candidates as per given guidelines of 2001, and applicant to be placed at Serial No.1 by taking into consideration of his

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seniority-cum-fitness effect from 14.4.1984, qualification and weightage for passing the departmental promotion examination of U.D.C. held in the year, 2002 and such effect shall be given in consideration for future prospect.

3. Any other order as may be deemed necessary under the facts and circumstances of the case.
4. To award cost to the applicant."

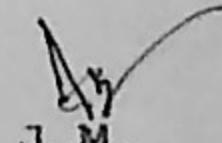
2. At the very outset, counsel for the applicant submitted that he has filed a representation against his grievances. Therefore, he will be satisfied if his representation dated 14.7.2004 followed by reminders dated 6.10.2004 and 9.12.2004 are decided as per rules within a stipulated period. He has also filed Annexure-11, letter dated 24.3.2005 in support of his claim issued from the Office of Director General (Personnel), Military Engineering Service, Engineer in Chief Branch Army Hqrs., Kashmir House, New Delhi-11 by which the applicant was asked to forward his earlier representations, mentioned above, so that suitable action could be taken in the matter. In view of this, the applicant submitted the same under a cover letter dated 12.4.2005 to the concerned competent authority i.e. Director General (Personnel) dated 12.4.2005 along with copies of the representations called for. According to the counsel for applicant, the same is still lying with the competent authority undecided although by letter dated 24.3.2005 (Annexure-11), it was reflected that suitable action will be taken in the matter. Counsel for the applicant further pointed out that by Annexure-12, letter dated 9.5.2005, the case of the applicant was forwarded to J.T.D.G. (Personnel) Hqrs. Central Command, Lucknow by the office of Chief Engineer, Lucknow Zone, Lucknow. Thereafter, the applicant is stated to have sent another reminder/representation on 27.6.2005 through proper channel with reference to his application dated 12.4.2005

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along with required representations, which was forwarded by the office of C.W.E., Kanpur vide letter dated 22.7.2005 to Chief Engineer, Lucknow Zone, Lucknow. Counsel for the respondents Shri S. Singh submitted that the applicant is calling for a decision on a representation of 2004 at this belated stage. Since the respondents have themselves called for the representations of the applicant by issuing letters dated 24.3.2005 (Annexure-11), 9.5.2005 (Annexure-12) and 22.7.2005 (Annexure-13), therefore, the stand taken by the Respondents' counsel is not acceptable.

3. During the course of arguments, learned counsel for the applicant further submitted that without pressing other grounds in the O.A., the applicant will feel satisfied if his representation finally submitted along with application dated 12.4.2005 followed by final reminder dated 27.6.2005 i.e. Annexure-13 is decided in accordance with the rules. Under the facts and circumstances, I am of the view that this O.A. can finally be disposed of at the initial stage itself and interest of justice shall also be better served if the representations so filed by the applicant and called for by the respondents are decided by the competent authority within a stipulated time. Accordingly, the O.A. is finally disposed of by issuing a direction to the competent authority to consider and decide the representations, referred in reminder dated 27.6.2005, by a reasoned and speaking order as per rules<sup>and law</sup> laid down on the subject within a period of four months from the receipt of a copy of this order. For convenience sake, this O.A. may be treated as part of the representations filed by the applicant.

No order as to costs.

  
J.M.

Asthana/