

(2)

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD**

**Original Application No. 1264 of 2007**

Monday, this the **08<sup>th</sup>** day of **January** 2008

**Hon'ble Mr. Justice Khem Karan, V.C.  
Hon'ble Mr. K.S. Menon, Member (A)**

Diwakar Bhatta S/o Late Sri P.C. Bhatta, R/o - 91/G-1 Ganpati Vihar,  
Saket Nagar, Tansen Road, Gwalior (M.P.)

**Applicant**

**By Advocate Sri B.N. Singh**

**Versus**

1. Union of India through the General Manager, North Central Railway, Allahabad.
2. Chief Commercial Manager (P.S) North Central Railway, Allahabad.
3. Divisional Railway Manager, North Central Railway, Jhansi Division, Jhansi.
4. Senior Divisional Personal Officer, North Central Railway, Jhansi Division, Jhansi.
5. Uma Charan. Section Engineer (AC) S.S.E. (TL/AC) Electrical (General), N.C. Rly. Gwalior.

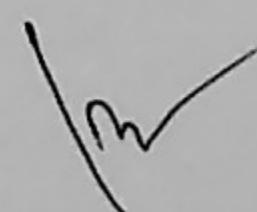
**Respondents**

**By Advocate Sri P.N. Rai**

**ORDER**

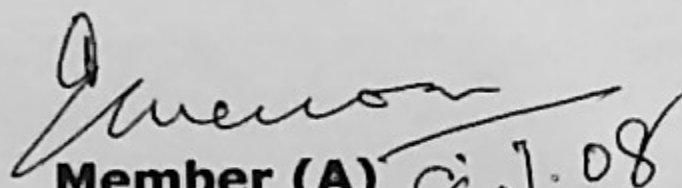
**By Justice Khem Karan, V.C.**

The applicant-Diwakar Bhatta has prayed for quashing the Order dated 19.12.2005 promoting respondent No.5 and for directing the respondents to upgrade/promote him to the post of Section Engineer w.e.f. 01.11.2003 in the scale of Rs.6500-10500/- under the scheme of restructuring. His grievance is that respondent No.5 has been given benefit of reservation in restructuring, which was not possible in view of Full Bench decision of this Bench in O.A. No.993 and 778 of 2004, decided on 10.08.2005 and also in view of other decisions of various Benches of this Tribunal. He says that he has given representation to the authorities but no clear cut answer has been given by either of them so he has come to this Tribunal.



2. We think it would be appropriate if respondent No.3 is directed to consider the request of the applicant in accordance with relevant law and the rules on the subject and pass speaking orders within a period of two months from the date applicant gives a self contained representation to him together with copy of this Order within a period of 15 days from today. The respondent No.3 shall be free to hear Sri Uma Charan-respondent No.5 also before taking any decision. In case applicant remains aggrieved even after disposal of the representation, he will be free to approach this Tribunal. The O.A. stands disposed of at the admission stage itself with the above <sup>directions</sup> observations. No order as to costs.

3. Copy of this Order be given to parties' counsel within three days.

  
Member (A) 8.7.08

  
Vice Chairman 8.7.08

/M.M/