

(11)

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

Original Application NO.696 OF 2007

ALLAHABAD THIS THE 10TH DAY OF DECEMBER, 2008

HON'BLE MR. JUSTICE A. K. YOG, MEMBER-J
HON'BLE MRS. MANJULIKA GAUTAM, MEMBER-A

Baij Nath Singh, S/o Late Dashrath Singh,
Working as Private Secretary Grade II,
Under Controller of Stores, North Eastern
Railway, Gorakhpur.

.....Applicant

By Advocate : Shri S. Mandhayan

Versus

1. Union of India through General Manager,
North Eastern Railway,
Gorakhpur.
2. Chief Personnel Officer,
North Eastern Railway, Gorakhpur.
3. Deputy Chief Personnel Officer (Non Gazatted),
North Eastern Railway, Gorakhpur.
4. Shri Kamla Shankar, Confidential Assistant,
Chief Engineer Office, North Eastern Railway,
Gorakhpur.

..... Respondents

By Advocate : Shri Ravi Ranjan

ORDER

DELIVERED BY JUSTICE A. K. YOG, MEMBER-J

1. Orders/Notes^{as} of Registry on the order sheet of the OA (pertaining to the year 2007) show that apart from respondent no.1,2 and 3 (^{as unpleaded} by official designation) respondent no.4 is a private person/Kamla Shankar. No notice was ever issued to said respondent no.4.

An

(12)

2. Vide order dated 12.07.2007 an interim order was issued to the effect that "apparently neither the respondents nor the learned counsel at bar properly assist the Bench which pass an order dated 06.09.2007 directed the case to be listed for final hearing on 03.10.2007.

3. Be that as it may, no notice was issued nor respondent no.4 has been served. On the other hand respondents filed M.A. No.1867/08:-

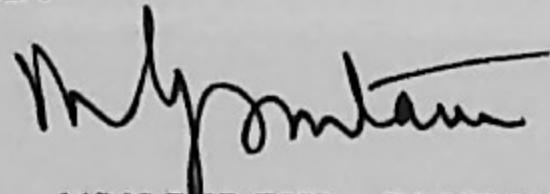
"That since the matter is pending before this Tribunal and 6 posts of Private Secretary-II in scale of Rs.6500-10500 are still vacant and working of the respondents authorities is adversely affecting, therefore, it is expedient in the interest of justice that this Hon'ble Tribunal may graciously be pleased to grant leave for filling up the remaining vacancies of Private Secretary-II in pay scale of Rs.6500-10500 keeping one post vacant till the disposal of present original application before this Hon'ble Tribunal, otherwise the applicants/respondents no.1,2 and 3 will be put to irreparable loss and injury"

4. It is not disputed that applicant was promoted. According to the respondents promotion was under mistaken fact in as much as a person senior to him was shown and consequently impugned show cause notice dated 18.06.2007 was issued (Annexure A-1). Feeling aggrieved applicant rushed to this tribunal by filing above noted OA.

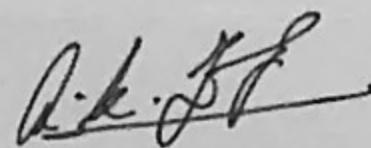
5. It is not well settled that normally Tribunal/Court does not interfere with show cause notice. Applicant should have submitted his reply. *He may do so now ^{on}*

(B)

6. In view of the above, no cause of action had arisen to the applicant justifying his filing present OA. OA is accordingly dismissed. Interim order accordingly discharged, if any. No Costs.



(MRS. MANJULIKA GAUTAM)
Member-A



(JUSTICE A.K. YOG)
Member-J

/ns/