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CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD.

OPEN COURT

ORIGINAL APPLICATION NO. 854 OF 2007.

**Allahabad this the 28<sup>th</sup> day of August 2007.**

**Hon'ble Mr. Ashok S. Karamadi, J.M**  
**Hon'ble Mr. P.K. Chatterji, A.M**

Hira Lal Yadav s/o late Bandhan Yadav,  
R/o Karjaha, Post Lar Road, District Deoria.  
Working as a Gateman at Railway Station,  
Kidihirapur, N.E.R, Varanasi.

.....Applicant

(By Advocate: Sri A.B Singh)

Versus.

1. Union of India through its General Manager, N.E Railways, Gorakhpur.
2. General Manager/Karmik, N.E.R Gorakhpur.
3. Divisional Railway Manager (DRM) (P), Varanasi.
4. Mukhya Parichalan Prabandhak, Purvattar Railway, Gorakhpur.

.....Respondents

(By Advocate : Shri P.N Rai)

**ORDER**

By Mr. Ashok S. Karamadi, J.M

This application is filed by the applicant aggrieved by the order dated 15.5.07 and further seeking direction to the respondent NO. 2 to provide the second chance of Pschycological test to the applicant for promotion from Class IV to Class III to which he is entitled under law.

2. Learned counsel for the applicant submits that having regard to the relief sought for, he will not press first relief but with regard to the direction to the respondents prays for the same, for consideration of representation dated 28.3.07 submitted by the applicant to the concerned Authority. After the impugned order passed by the respondents. The grievance of the applicant is that he has appeared in first test but he was not allowed for taking the second test, in view of





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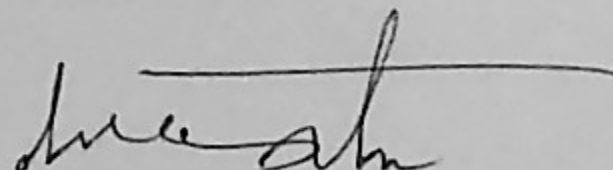
the Annexure No. 4 dated 28.3.2006 states that he is entitled for second attempts as the applicant has taken only one attempt, therefore, respondents are not legally bound to restrain the applicant to take another attempt for the Psychological test.


3. Having regard to the facts and circumstances of the case, ~~since~~ learned counsel for the respondents states that ~~as the~~ <sup>a</sup> representation is pending before the respondent NO.3 and appropriate Authority <sup>may be directed to</sup> ~~shall~~ take the decision on the representation. <sup>He admits that</sup> ~~as~~ the prayer is premature in absence of any order on the representation. *Manish*

4. After hearing both learned counsel for the parties, we thought it just and proper to direct the respondents to dispose of the representation dated 28.3.2007 submitted by the applicant by speaking order in accordance with law within a period of 2 months from the date of receipt, a copy of the order.

5. With the above direction, the O.A. is disposed.

No costs.

  
Member-A

  
Member-J

Manish/-