



FORM No. - 4

See Rule (12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CUTTACK BENCH

ORDER SHEET

Application No. OA 900 of 2004

Applicant(s) V. S. Naikar Respondent(s) Union of India

Advocate for Applicant(s) Mr. P. K. Mohapatra Advocate for Respondent(s).....

S. K. Nath
K. Ghosh

NOTES OF THE REGISTRY	ORDERS OF THE TRIBUNAL
<p>D.P.O. of 1500-2004 For Registration On memo</p> <p><i>DR</i> 28/10/04</p> <p><i>DR</i> 28/10/04</p> <p><i>DR</i> 28/10/04</p> <p>SO. (J) For acknowledgment. Copy served On memo.</p> <p><i>DR</i> 28/10/04</p> <p><i>Bench</i></p>	<p>REGISTER</p> <p><i>DR</i> By Register 28.10.04.</p> <p>1. ORDER DATED 28.10.2004.</p> <p>For nonconsideration of the case of the Applicant for promotion he made journey previously to this Tribunal in OA Nos. 1420/2003 and 1430/2003; which were disposed of</p>

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NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

of on 30th December, 2003 with direction to the Respondents to consider the grievance of the Applicants within 120 days.

2/ It appears, now the Respondents have passed an order under Annexure-A/7 dated 9.3.2004 turning down the grievance of the Applicant; whereafter, the Applicant submitted another representation under Annexure-A/8 dated 24.3.2004; which is stated to be still pending. In the said premises, the Applicant has approached this Tribunal again in the present OA. It is the case of the Applicant that in the meantime further juniors of the Applicant have been given promotion without considering the case of the Applicant in its proper perspective. It is the positive case of the Applicant that his case for promotion did not receive due consideration of the Respondents in terms of the Railway Board Estt. Sl. No. 266 of 1999 and that the said provisions of the Railway Board Estt. Sl. No. 266 of 1999 ought to have been kept in view while considering the case of the Applicant.

3/ Having heard Mr. Mohapatra, learned Counsel for the Applicant and Mr. P.C. Panda, learned counsel appearing for the Railways, on whom a copy of this OA has already been

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served, this Original Application is disposed of with direction to the Respondents to consider the case of the Applicant for promotion by keeping in mind the provisions of the Railway Board Estt. Sl. No. 266 of 1999 and to consider his case further to grant him promotion retrospectively from the date when his alleged juniors were given superseding promotion.

4/ It is also the positive case of the ^{Copy of order of 28/10} Applicant that few promotional posts are lying ^{afw or any} vacant and unless the Respondents look to his grievances with immediate effect, he may sustain further supersession. Therefore, the Respondents are hereby called upon to complete the exercise of giving consideration to the grievances of the Applicant (in terms of Railway Board Estt. Sl. No. 266 of 1999) as expeditiously as possible; preferably before granting further promotion to others.

5/ With the aforesaid observations and directions, this Original Application is disposed of at this admission stage.

Send copies of this order to the Respondents, alongwith copies of the OA, and free copies of this order be given to learned counsel for both sides.

Yashwant
28/10/2004
Member (Judicial)