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O.A.NO.732 OF 2005

ORDER DATED 03.01.08

CORAM: DR.D.K.SAHU, MEMBER(JUDL.)

AND

SHRI C.R.MOHAPATRA, MEMBER(ADMN.)

Heard the Ld.Counsel for both the parties.

2. It is submitted that the impugned order under Annexure-A/6 has since been modified, the prayer at clause-(a) & (c) of paragraph-8 relating to the relief sought for in the O.A. is no more available to grant and as such it has become infructuous. As regards the prayer in clause-(b), the applicant prays to grant him promotion.

3. It is submitted by the Bar that the case of the applicant and two others' have been considered by the selection committee in accordance with the executive instructions. But as in a departmental proceeding, ~~one~~ senior most amongst them is undergoing punishment, the entire selection proceeding has been kept in sealed cover. This appears not in accordance with the instructions of the DOPT.

4. After careful consideration and having heard the Counsel, we direct the respondents that if the case of Srl.No.1 is to be kept in a sealed cover, there is no reason to keep the case of Srl.No.2/ ^{applicant} in the sealed cover. If the applicant is otherwise suitable, his case for grant of promotion should be considered. We, accordingly, direct the respondents that case of the applicant be considered for promotion in accordance with the IREM and the Railway Board's instructions, within two months from the date of receipt of this order.

5. The O.A. is accordingly, disposed of. No order as to costs.


MEMBER(ADMN.)


MEMBER(JUDL.)