

**OA No. 550 OF 2006**

**Order dated 01-08-2006.**

Applicant is now working as Head-clerk ~~working~~ under the Senior Divisional Engineer (Co.) of Sambalpur E.C. Railways. As it appears, the Applicant being aggrieved of his non-promotion to the restructuring cadre of Office Superintendent Grade-II and promotion of his junior under Annexure-A/4 dated 30-09-2004 has submitted representations under Annexure-A/5 dated 01-11-2004 and & Annexure-A/6 dated 29-06-2006; which were rejected and communicated to the Applicant under Annexure-A/7 dated 06-07-2005. Thereafter the Applicant submitted an appeal under Annexure-A/8 dated 28-10-2005. While the matter stood thus, the Respondents issued an order under Annexure-A/9 dated 12-07-2006 asking the eligible employees to take part in the interview scheduled to be held on 28-07-2006 for selection to the post of OS Gr.II; wherein the name of the Applicant is placed at Sl. No.2. As nothing was communicated to the Applicant on his appeal, he approached this Tribunal under section 19 of the Administrative Tribunals Act, 1985 (after making another

representation under Annexure-A/10 dated 20<sup>th</sup> July, 2006) with prayers to annul the order of promotion of the Respondent No.5 dated 30-09-2004 (Annexure-A/4) and to direct the Departmental Respondents to promote the Applicant to the OS Gr.II from the date of promotion of his junior. By way of interim order, he has also sought for a direction to the Respondents not to proceed with the fresh selection to the post of OS Gr. II. It is the specific case of the Applicant that being senior, he should have been promoted to the restructuring grade of OS Gr. II whereas, the Respondents, in order to fill-up the regular channel of promotion to OS Gr. II, issued notification under Annexure-A/9 dated 12-07-2006 to hold the test; which is no way connected with the prayer which he made before the authorities and in this OA.

Having heard Mr. A. Das, learned counsel for the Applicant and Mr. S.K.Ojha, learned Standing Counsel for the Railways (on whom a copy of this OA has been served), without expressing any opinion on the merits of the matter, this Original Application is disposed of at this admission stage calling upon the Respondents/Divisional Personnel Officer, E.

15

C. Railways to take a final view on the pending representations/<sup>Appeal</sup> of the Applicant within a period of 45 days from the date of communication of this order and intimate the result thereof to the Applicant.

Send copies of this order to the Respondents along with copies of the OA and free copies of this order be given to learned counsel appearing for the Applicant.

<sup>B37</sup>  
MEMBER (ADMN.)

Copy of Order  
with OA may  
be sent to  
R-1, R-2 & R-4  
by Speed Post  
and to R-3 &  
R-5 by Regd  
Post.

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W.Y.S.  
S.O (T)