

# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O. A. No. 263 of 1993.

DATE OF DECISION 15-2-1993

Mr S Chinnaswamy Applicant (s)

Mr PK Madhusoodhanan Advocate for the Applicant (s)

Versus

The Divisional Personnel Officer,  
Southern Railway, Palghat & 3 others Respondent (s)

Mr MC Cherian & TA Rajan Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. AV HARIDASAN, JUDICIAL MEMBER

&

The Hon'ble Mr. R RANGARAJAN, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement? *yes*
2. To be referred to the Reporter or not? *no*
3. Whether their Lordships wish to see the fair copy of the Judgement? *no*
4. To be circulated to all Benches of the Tribunal? *no*

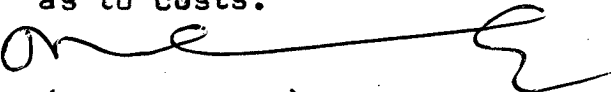
## JUDGEMENT

AV Haridasan, J.M.

The grievance of the applicant, a Brick Layer belong<sup>ing</sup> to the Scheduled Caste <sup>is</sup> that he has not been given promotion to higher cadre taking into account of the fact that he belongs to S.C. in a reserved vacancy. He made a representation to the Divisional Personnel Officer, Palghat claiming promotions to the next higher cadre. This representation was disposed of by dated 3.7.1993 a reply/in which the applicant was informed that his case had already been treated as one of a S.C., that none of his juniors either in the forward community or in the S.C. has been promoted superseding him ~~xxxx~~ and that there is no basis for his grievance.

Dissatisfied with that he has made a further representation to the Divisional Railway Manager on 27.3.1992 and another one to the General Manager in June 1992. The applicant did not get any reply to these representations. It is in these circumstances that he has filed this application praying that the respondents may be directed to consider promoting him treating<sup>him</sup> as a person belong to S.C.

2. On a perusal of the averments in the application and Annexure-A2 we are not in a position to find positively that there has been any fault on the part of the Railway administration in considering his case for promotion as a member of the S.C. However, the learned counsel for the applicant prays that since the applicant is a Class-III employee in the Railways belong<sup>ing</sup> to S.C., the 3rd respondent may be directed to consider and dispose of the representation submitted by him in June 1992. The learned counsel for the respondents has no objection in the application being disposed of with such a direction. Therefore we admit the application and dispose of the same with a direction to the 3rd respondent to consider the representation submitted by the applicant in June 1992 at Annexure-A5 within a period of two months from the date of receipt of a copy of this order. If for any reason the said representation is not traceable with the copy of the respondents, we direct that the representation at Annexure-A5 in the case file may be made use of for the purpose. No order as to costs.

  
(R RANGARAJAN)  
ADMVE. MEMBER

  
(AV HARIDASAN)  
JUDICIAL MEMBER

15-2-1993

trs