

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O. A. No. 372/92  
~~XXXXXX~~

199

DATE OF DECISION 9-3-1992

J Albert Applicant (s)

Mr P Sivan Pillai Advocate for the Applicant (s)

Union of India <sup>Versus</sup> Rep. by the  
the General Manager,  
Southern Railway, Madras-3 Respondent (s)  
and others.

Mrs Sumathi Dandapani Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. NV Krishnan, Administrative Member  
and

The Hon'ble Mr. N Dharmadan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. To be circulated to all Benches of the Tribunal?

JUDGEMENT

Sh NV Krishnan, A.M

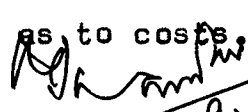
The applicant is a Senior Gangman. During the relevant period when promotion to the post of Motor Vehicle Driver was being made, disciplinary proceedings were pending against him and the Annexure A2 order dated 13/14-9-88 was passed by which one of his juniors Sh V Ganesan was promoted. He submits that disciplinary proceedings were dropped by the Annexure A1 order dated 9.5.90. Therefore, he made a representation dated 10.9.90 at Annexure A3 to the 2nd respondent, the Divisional Personnel Officer, requesting that his promotion as Motor Vehicle Driver should be given with retrospective effect. He states that his representation is still pending. Hence, the applicant has filed this application seeking the following reliefs:


- "(a) To call for the records leading to the issue of Annexure A2 and quash the same in so far as it excludes the applicant and includes his junior.
- (b) To direct the respondent 1 to 2 to promote the applicant as a Motor Vehicle Driver from the date of promotion of respondent No.3 with all attendant benefit.
- (b) To issue such other orders or directions as deemed fit and necessary by this Hon'ble Tribunal in the facts and circumstances of the case."

2 When the case came up for admission, the learned counsel for the applicant submitted that he would be satisfied if the respondent-2 is directed to dispose of the representation dated 10.9.90 (Annexure A3) in which he had requested for retrospective promotion as Motor Vehicle Driver. In the circumstance, he also agreed to drop the name of Respondent-3 from the party array, which is permitted.

3 We have heard the parties. The applicant is aggrieved by the order dated at Annexure A2 by which promotion has been granted to his juniors as disciplinary proceedings were pending against him. Now that the proceedings are dropped and he has made a representation at Annexure A3, it is only fair to direct the respondents to consider the representation in the light of the present application that has been made before us and dispose it of in accordance with law under intimation to the applicant within a period of two months from the date of receipt of a copy of this judgment. <sup>we do so</sup> We also add that in case <sup>the</sup> ~~the~~ Annexure A3 representation has not been received in the Office of Respondent-2, he is directed to treat the Annexure A3 enclosure to this application as a representation now pending for consideration.

4 The application is disposed of as above. There is no order as to costs.

  
(N Dharmadan)  
Judicial Member

  
(NV Krishnan)  
Administrative Member