

**Central Administrative Tribunal  
Lucknow Bench, Lucknow**

C.P.No.16/2007 in O.A.No.586/2006

Monday, this the 16<sup>th</sup> day of March 2009

**Hon'ble Shri Shanker Raju, Member (J)**  
**Hon'ble Dr. A.K. Mishra, Member (A)**

Ram Avadh Yadav, aged about 35 years  
s/o Shri Pooranmasi Yadav,  
r/o LD-122, Shatipuram Colony, Lucknow

..Applicant

(By Advocate: Shri Praveen Kumar)

Versus

1. Shri V.N. Mathur  
General Manager  
Northern Railway, Baroda House  
New Delhi
2. Shri Harsh Kumar  
Chief Works Manager  
Carriage & Wagon Workshop  
Northern Railway, Alambagh  
Lucknow
3. Shri Rajeev Mahajan  
Deputy Chief Mechanical Engineer  
Carriage & Wagon Workshop  
Northern Railway, Alambagh  
Lucknow

..Respondents

(By Advocate: Shri S. Verma)

**ORDER (ORAL)**

**Shri Shanker Raju:**


We find on explanation of the respondents that promotion in Helper Grade I has already been over vide Office order dated 16.12.2006, i.e., when the interim order passed by the Tribunal staying the selection process was not in existence.

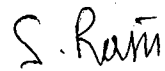
2. In the light of above, learned counsel for applicant vehemently opposes the same and states that undue haste has resulted the process being expedited arbitrarily to defeat the orders of the Tribunal.

3. It is also stated that the order of promotion has been antedated just to defeat the rightful claim of the applicant.

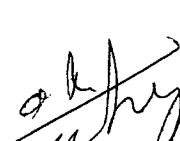
4. In such view of the matter, prima facie, we do not find any contempt on part of the respondents. However, if the averments of the applicant regarding antedating promotion of one Shri Santosh Kumar is established on records, law shall take its own course, including the action on the respondents under Section 340 of Cr. PC.

5. With this CP stands closed. Notices are discharged. No costs.

  
( Dr. A.K. Mishra )  
Member (A)

  
( Shanker Raju )  
Member (J)

/sunil/

  
Dated 16-3-09  
R. Subramanian  
17-3-09