

Central Administrative Tribunal, Lucknow Bench, Lucknow
Original Application No. 111/2007

This the 21st day of November, 2013

Hon'ble Sri Navneet Kumar , Member (J)
Hon'ble Ms. Jayati Chandra, Member (A)

Vijay Kumar Verma aged about 55 years son of Sri Babu Lal Verma,
r/o House No. 255/115 Kundri Raquab ganj, Lucknow.

Applicant

By Advocate: Sri Praveen Kumar

Versus

1. Union of India through Home Secretary, Ministry of Railways, Govt. of India, New Delhi.
2. General Manager, Northern Railways, Baroda House, New Delhi.
3. Deputy Chief Electrical Engineer, Northern Railways, Charbagh, Lucknow.
4. Dinesh Kumar son of Sri Ram Avtar, r/o Village Lalaikhera, Post Bijnoor, District, Lucknow.

Respondents

By Advocate: Sri S. Verma

ORDER (ORAL)

BY HON'BLE SRI NAVNEET KUMAR, MEMBER (J)

The present Original Application is preferred by the applicant u/s 19 of the AT Act, with the following reliefs:-

- i) set aside the order dated 1.7.2005 order dated 19.2.2007 passed by the opposite party No.2 and the order dated 22.2.2007 passed by the opposite party No.3 as contained in Annexure No. 2 respectively to this Original Application.
- ii) to consider the promotion of the applicant to the post of J.E. (I) on the basis of seniority list circulated vide office order dated 28.9.2004 contained in Annexure No.11 to this original application.
- iii) set aside the order dated 13.7.2004 and 24.5.2000 passed by the opposite party No.3 contained in Annexure No. 3 and Annexure No.4 to this Original Application.
- iv) Any other order which this Hon'ble Court may deem fit in the circumstances of the case.



v) award the cost of the original application in favour of the applicant.

2. The brief facts of the case are that the applicant was initially appointed in the respondents organization and was subsequently given promotion to the higher post and has also appeared in departmental examination and after completion of selection process, written test was held for the post of JE (II) (Power and T.L.Group). The applicant also qualified the written test and thereafter viva voce was held on 21.6.2003. It is also pointed out that along with applicant, two others were selected after viva voce test and order dated 18.8.2003 was issued, promoting the applicant on the post of JE (II) in the pay scale of Rs. 5000-8000. The learned counsel for the applicant has also taken us to the paragraph 21 of the Counter Affidavit, wherein it is pointed out that respondent No. 4 and others were promoted as JE-I vide order dated 22.2.2007 on provisional basis subject to the decision of GM/PNM. The matter is still pending at Headquarter level and the case of the applicant is also pending for final decision at the G.M. level along with respondent No.4.

3. Learned counsel for applicant submitted at bar that he would be satisfied in case a decision is taken at the level of G. M. if it has not yet been taken.

4. Learned counsel appearing on behalf of the respondents has pointed out that in the present O.A., Counter reply was filed in the month of July, 2007 and since then he has no instruction in the matter as to whether the matter has already been decided at G.M. Level or not.

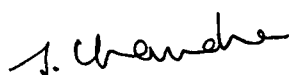
5. The learned counsel appearing on behalf of respondent No. 4 has pointed out that the Uttariya Railway Mazdoor Union (URMU) has been de-recognized and there is no GM/PNM meeting which is going with URMU since de-recognition of URMU and as such its item No. 139/2005 has come to an end which is pending at the G.M. level

6. Heard the learned counsel for parties and perused the record.

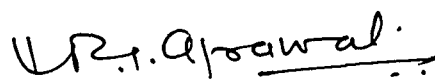
7. Admittedly, the applicant was selected along with two others after viva voce test and written examination and order dated 18.8.2003 was issued promoting the applicant on the post of JE (II) in the pay scale of Rs. 5000-8000/-. Subsequently another O.M. dated 21.8.2003 was issued from the Office of Deputy Chief Electrical Engineer, Northern Railway, Charbagh, Lucknow by which the applicant and two others were promoted to the post of JE (II) (T.L. Group). Not only this, learned counsel for applicant has also pointed out that in the year 2001, selection process for the post of Power and T.L. Group was initiated and Sri S.B. Singh, V.K. Yadav, B.N. Tiwari and Sri S.K. Dixit qualified in the written test for Power group and Sri P.M.D. Rao, Sri S.K. Singh, Sri Shahid Anwar, Sri Mansha Ram, Sri Ashwani Sharma, Sri Baljeet Singh, Sri Shakeel Ahmad and Sri Dinesh Kumar were qualified in the written test for T.L. Group and call letters were issued for viva voce test. Subsequently, the matter was placed before the G.M. in its meeting and the matter is pending for final adjudication at the G.M. level as indicated by the respondents in para 21 of Counter Reply. The learned counsel appearing on behalf of the respondents could not show that whether the G.M. has passed any order or taken a decision as per the averments made in para 21 of the C.A.

8. Considering the submissions made by the parties, we deem it proper to give a direction upon the respondents to take an early decision in the matter in accordance with law and decision so taken be communicated to the applicant, if it has not already been decided.

9. With the above observations, O.A. stands disposed of. No order as to costs.



(JAYATI CHANDRA)
MEMBER (A)



(NAVNEET KUMAR)
MEMBER (J)

HLS/-