

This the 30th day of July. 2007

Hon'ble Shri N.D. Dayal, Member (A)
Hon'ble Shri M. Kanthaiah, Member (J)

1. Amar Nath Jaiswal, aged about 52 years son of late Sri Sarjoo Parsed Jaiswal, resident of Mohalla- Modha, P.O. – Rekabganj, Distirct- Faizabad.
2. Ram Bihari Tiwari aged about 42 years son of late Sri Mahendra Parsed Tiwari resident of Agrasen Nagar, Sitapur Road, Tadi Khas Post Dinguriya, Lucknow.

Applicant

By Advocate:- Sri D.P.S. Chauhan

Versus

1. Divisional Railway Manager, Northern Railway, Hazratganj, Lucknow.
2. Varistha Mandal Yantrik Abhiyanta Diesel Shed , Alambagh, Northern Railway, Lucknow.
3. Assistant Personnel Officer, Northern Railway, DRM Office, Alambagh, Lucknow.
4. A.M.E. (Diesel), Northern Railway, Diesel Shed , Alambagh, Lucknow..

Respondents

By Advocate: Sri S.M.S. Saxena

ORDER (ORAL)

BY HON'BLE SHRI N.D. Dayal, Member (A)

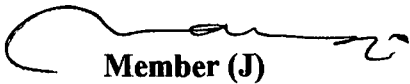
M.A. No. 3101/2006 has been filed by the applicants seeking permission to file joint application. Permission is granted. Registry is directed to give regular O.A. number to this application.

2. Learned counsel for applicants has prayed in this O.A. that direction be issued to the respondents to consider their names for inclusion in the trade test list and conduct a test for promotion. In this regard, the applicants have submitted two representations on 2.9.2006 and 28.10.2006 (Annexure 3 and Annexure 4). However, this application has been filed on 21.12.2006 and therefore, the respondents have taken the preliminary objection that the applicants have rushed to the Tribunal without exhausting the remedy available under Section 20 of the AT Act, 1985.
3. Learned counsel for the applicants submits that the respondents may be asked to decide these representations within stipulated period of time. He states that by the

order dated 29.9.2006, the booking for trade test was announced along with the names of those, who were to appear in the test but the names of the applicants were missed out in this list. Therefore, they have submitted the above representations which have not been decided and instead the result was declared on 20.12.2006. However, the result has not been enclosed with the pleadings.

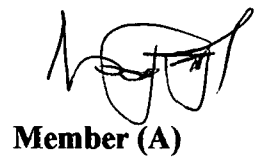
4. As, subsequent developments have already taken place after the impugned order dated 29.9.2006, the respondents are asked to take a decision on the representations of the applicants considering also the grounds taken in this O.A. and pass appropriate orders informing them within a period of 6 weeks from the date of receipt of a copy of this order. The applicants would be at liberty to seek redressal, if further aggrieved in terms of both the order passed on the representations as well as the final result stated to have been issued on 20.12.2006. In case the applicants are found to be eligible for the trade test, steps may be taken to afford opportunity to them accordingly. A copy of the seniority list in support of their case has been handed over by the counsel for applicants to the counsel for the respondents in court. This be also kept in view while deciding the representations of the applicants.

5. O.A. is disposed of as above without any order as to costs.



Member (J)

HLS/-



Member (A)