

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW
ORIGINAL APPLICATION NO: 497/2010

This, the 2nd day of December, 2010

Hon'ble Justice Shri Alok Kumar Singh, Member (J)
Hon'ble Shri S. P. Singh, Member (A)

1. Om Prakash Shukla, aged about 49 years, Son of Late Amber Prasad Shukla, R/o M/473, Sector D-1, LDA Colony, Kanpur Road, Lucknow.
2. Anil Kumar Kuril, aged about 44 years, Son of Late Tulsi Ram R/o 290/5, Pandey Ka Talab, Bulaki Adda, Lucknow.
3. Mahesh Prasad, aged about 40 years, son of Late Sant Ram, R/o 416/23, Dila Ram Ki Baradari, Choupatiya, Chowk, Lucknow.
4. Suresh Chandra, aged about 58 years, son of Late Kishan Lal, R/o plot No. 13 Gokul Nagar, Kanchanpur Kandawa, D.L. W. Varanasi.
5. K.K. Srivastava, aged about 56 years, Son of I. N. Shrivastava, R/o plot No. 5 Navodit Nagar (Ext.) Mahmoorganj, Varanasi.
6. D.C. Roy, aged about 56 years, son of Late P.C. Roy, R/o C21/89CLahuraveer, Varanasi.

Applicants

By Advocate Shri A. K. Baledia.

Versus

- Union of India through respondent No. 1
1. Chairman railway Board, Rail Bhawan, New Delhi.
 2. railway Board, Ministry of Railways, Rail Bhawan, New Delhi, Through its Secretary.
 3. General Manager, Northern Railway, Ministry of Railways, Baroda House, New Delhi.
 4. Divisional Railway Manager, Northern Railway, Lucknow.

Respondents

By Advocate Shri B.B. Tripathi for Shri M.K. Singh.

Order (Dictated in Open Court)

By Hon'ble Justice Shri Alok Kumar Singh, M(J)

On the consent of the learned counsel for the parties, this O.A. was taken up for final adjudication. Heard the learned counsel for the parties at length and perused the material on record.

This O.A. has been filed seeking following relief(s):-

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- (i) The Hon'ble Tribunal may be pleased to passed the order directing the opposite parties to give the promotion to the post of CIT on the basis of the result dated 17.4.2010 w.e.f. 23.01.2006 (date of notification) withal consequential benefits, differences of salary, seniority and other benefits.
- (ii) To pass order direction as this Hon'ble Tribunal any deem fit, in the interest of justice.
- (iii) To allow the application with cost.

2. Besides, the aforesaid reliefs, the following interim relief has also been sought:-

"For, the facts, reasons and circumstances narrated in paras and sub paras of this original application it is most respectfully prayed that this Hon'ble Tribunal may kindly be pleased to direct the opp. Party no. 4 (Divisional Railway Manager Northern Railway) Lucknow to decide the application/representation dated 17.5.2010 and dated 16.6.2010, for issuing the panel/promotion on the post of CIT, contained in Annexure No. 13 and 14 to this application.'

3. There is no quarrel on the point that the names of all the 6 applicants find place in the list of written test for the post of C.I.T in the grade of Rs. 6500-10500/-. This written test appears to have been held in compliance of the orders passed by Central Administrative Tribunal, Lucknow Bench Lucknow in O.A. No. 82/2010 on 10.3.10 filed by Shri Mahmood Ali & Others. The written test was held on two dates 15.7.2006 and 22.7.2006.

4. Learned counsel appearing on behalf of the respondents informs that the gap of 4 years is on account of the fact that the examination was held, but the declaration of result was stayed by an order passed in W.P. No. 955 (SB) of 2006.

5. At the bottom of the list, it is mentioned that the result is subject to final decision of O.A. No. 370/2006 Mohd. Irfan & Others Vs Union of India and

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O.A. No. 82/2010 filed by Shri Mahmood Ali and Others Vs. Union of India pending in CAT Lucknow.

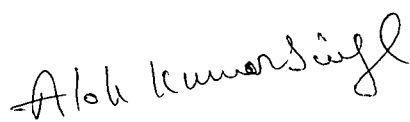
6. Concededly, in pursuance of this result dated 17.4.2010, no person has been given promotion to the post of CIT in the grade of Rs. 6500-10500/- till date. There are 24 persons including all the 6 applicants who have been declared successful.

7. The facts as contained in this O.A. reveal that probably, the only anxiety of the applicants is that the respondents should expedite the matter. Two representations dated 17.5.10 and 16.6.10 have already been given by the applicants No. 1, 2 and 3.

8. In view of the aforesaid facts and circumstances, this O.A. is finally disposed of with a direction to the respondents to decide the representations of the applicants within a period of three months from the date of receipt of a copy of this order by passing a well reasoned order under intimation to the applicants.

9. On the request of the learned counsel for the respondents, the applicants are also directed to serve upon the respondents a certified copy of this order along with a fresh representation addressed to the respondents signed by all the applicants. No costs.


(S.P. SINGH)
MEMBER (A)


(JUSTICE ALOK KUMAR SINGH)
MEMBER (J)