

**THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH**

Original Application No.293/2006.
This the 10th day of July 2006.

HON'BLE MR. JUSTICE KHEM KARAN, VICE-CHAIRMAN.
HON'BLE MR. P.K. CHATTERJI, MEMBER (A).

Shiv Lal Murmu, aged about 56 years, son of Shri Durga Murmu,
Resident of Bagh No. S-15-B, Sleeper Ground, Railway Colony,
Alambagh, Lucknow.

...Applicant.

By Advocate: Shri Harish Charndra.

Versus.

1. Union of India through Secretary, All India Railway Department, Rail Bhawan, New Delhi.
2. Divisional Railway Manager, Northern Railway, Divisional Office, Lucknow Division, Lucknow.
3. Senior Divisional Mechanical Engineer-Diesel, Diesel Shade, Northern Railway, Alambagh, Lucknow.
4. Assistant Personnel Officer (M), Northern Railway, Lucknow.
5. Murlidhar, M.C.M., Office of Senior Divisional Mechanical Engineer Diesel, Northern Railway, Alambagh, Lucknow.

.... Respondents.

By Advocate: None.



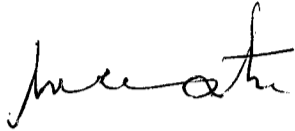
ORDER (Oral)

BY HON'BLE MR. JUSTICE KHEM KARAN, VICE-CHAIRMAN.

1. Heard Shri Harish Chandra, the learned counsel for the applicant on this O.A. Also perused the contents of the petition and the papers annexed with it.
2. The grievance of the applicant is that though the Respondent No.5 namely Murlidhar does not belong^g to Scheduled ^{Tribe} ~~Caste~~ category, he has been given promotion to the post of Junior Engineer -II Diesel Mechanical in the scale of Rs.5000-8000 giving the benefits of belonging to that category and the representation, (copy of which is Annexure-4) given by the applicant to Respondent No.3 and also endorsed to Respondent No.2 is not being disposed of. The Learned counsel for applicant has submitted that if the Respondent No.5 does not come from Scheduled Caste category, he cannot be given the benefit of reservation in promotion available to such category.
3. We are of the view that this O.A. can be disposed of at this stage with a suitable direction to Respondent No.2 and 3 to consider and dispose of the representation (copy of which is Annexure-4) of the applicant within the time to be given by this Tribunal. Whether the Respondent No.5 has been promoted giving him the benefits belonging to Scheduled ^{Tribe} ~~Caste~~ category and whether he belong^g to that category are to be looked into by the Authority concerned. From this point of view, it seems to be proper to give one opportunity to the respondents to consider the matter.
4. Therefore, this O.A. is finally disposed of with a direction to Respondents No. 2 and 3 to consider and dispose of the



representation dated 26.06.2006 (Annexure-4) in accordance with rules by passing speaking order within a period of 2 months from the date the certified copy of this order is produced before him. No order as to costs.



(P.K. CHATTERJI)
MEMBER (A)



(KHEM KARAN)
VICE-CHAIRMAN

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