

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH**

Original Application No.122/2007
This the 3rd day of April 2007

HON'BLE MR. A.K. SINGH, MEMBER (A).
HON'BLE MR. M. KANTHAIAH, MEMBER (J).

G.L. Srivastava, son of Sri R.M. Lal Srivastava, aged about 58 years resident of L-4/D, Sector-D, L.D.A. Colony, Kanpur Road, Alambagh, Lucknow, working as Assistant Executive Engineer Signal and Tele/D&D/HQ, Baroda House, Northern Railway, New Delhi.

...Applicant.

By Advocate: Shri K.P. Srivastava

Versus.

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
2. Chief Personnel Officer, Northern Railway, Baroda House, New Delhi.
3. Chief Engineer, Signal and Telecom Engineer, Baroda House, New Delhi.

By Advocate: Shri B.B. Tripathi for Shri N.K. Agrawal.

ORDER (Oral)

BY HON'BLE MR. M. KANTHAIAH, MEMBER JUDICIAL.

Heard Shri K.P. Srivastava, the learned counsel for the applicant and Shri B.B. Tripathi for Shri N.K. Agrawal, the learned counsel for respondents.

2. Heard both sides.

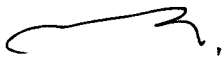
3. It is the case of the applicant, who has been working as Assistant Executive Signal Telecom Engineer, Northern Railway that

he is entitled for promotion as Senior Executive Signal Telecom Engineer but because of some adverse remarks, the department not considered his claim for promotion and in the meantime his juniors were given promotion. During this period, he filed an O.A.No.536/2004 (Annexure-2) for expunging of adverse remarks made against him in the service book and the same was allowed on 22.09.2006 and thereafter the respondents have expunged the adverse remarks and also communicated the same to him through Annexure-4 dated 10.08.2005. Thereafter, he made a representation to the respondents on 12.10.2006 covered under (Annexure-3) for considering his claim for promotion in view of expunging the adverse remarks made against him and the said representation is still pending with the department without any decision. During this period his juniors have been promoted and he was not promoted because of adverse remarks pending against him on earlier occasion and after expunging the same, he is entitled for promotion.

4. The counsel for applicant also stated that if a direction is given to the respondents to dispose of his representation dated 12.10.2006 covered under (Annexure-3) for considering his claim for promotion in view of expunging the adverse remarks made against him the purpose of this OA would be served.

5. The learned counsel for respondents not opposed such request for consideration of such representation of the applicant and passing appropriate orders as per rules within the stipulated time.

6. In view of the above circumstances, the application is disposed of with a direction to the respondents to consider the representation of the applicant dated 12.10.2006 covered under (Annexure-3) for




considering his claim for promotion, in view of expunging the adverse remarks made against him and to pass reasoned orders as per the rules and regulations within a period of three months from the date of receipt of the certified copy of this order. The applicant is also directed to supply a copy of the representation-dated 12.10.2006 covered under (Annexure-3) alongwith the copy of this order. No order as to costs.


(M. KANTHAIAH)
MEMBER (J)


03.04.07

/amit/


(A.K. SINGH)
MEMBER (A)

OK

File with
 Judgment send,
 today.


 05/4/07