

OPEN COURT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH, PATNA

O.A. No. 369/2005

with MA 03/2007

Date of Order : 21.07.2009

C O R A M

HON'BLE MR. JUSTICE ANWAR AHMAD, MEMBER [J]

HON'BLE MR. AMIT KUSHARI, MEMBER [A]

Bishnudeo Yadav and 51 Others, Applicant.

-By Advocate: Shri M.P. Dixit

Vs.

Union of India & Ors., Respondents.

**By Advocates: Shri P.K. Tiwary for official respondents.
Shri A.N. Jha for private respondents.**

O R D E R (oral)

Amit Kushari, Member [A]: Heard Shri M.P. Dixit, ld. Counsel for the applicant, Shri P.K. Tiwary, ld. Counsel for the official respondents and Shri A.N. Jha, ld. Counsel for private respondents.

2. The ld. Counsel for the applicant highlights the fact that the private respondents had not completed

60,000 Kilometers foot planting duty at the time of notification of selection. Later on the Railway Board had issued ~~issued~~ another circular dated 29.11.2004 reducing the requirement of foot planting to 40,000 kilometers. The private respondents had completed the required 60,000 kilometers much later and the official respondents had allowed them promotion/selection after taking relaxation from the General Manager. He also alleges that the private respondents had resorted to unfair means to secure their promotion and further promotions thereafter.

3. Shri P.K. Tiwary, Id. Counsel for the official respondents draws our attention to the written statement to say that the selection was done absolutely as per rules and the applicants had not succeeded in the selection process.

4. The Id. counsel for the applicant pointed out that he has full faith in the respondent no. 2 [General Manager(Personeel), EC Railway, Hazipur] and he would accept any decision given by him if he studies the concerned selection file of the department. He says that on perusal of this selection file the allegation

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made by him would become abundantly clear.

5. Shri A.N. Jha, Id. Counsel for the private respondents expressed his anxiety that in case the promotion is found to be irregular then what will be ~~the~~ fate of all the further promotions the private respondents had already taken.

6. The learned counsel for the official respondents had no objection if respondent no. 2 goes through all the concerned files himself and takes ~~of a~~ view on this OA.

7. After hearing the learned counsel for the parties, we are of the view that it is not possible for this Court to go through all the selection files of the respondents to decide on the allegation made by the applicants. We, therefore, direct respondent no. 2, i.e. General Manager(P), EC Railway, ^Hazipur to himself peruse all the relevant files in this matter and decide all the issues raised in this OA. He may thereafter pass a reasoned and speaking order within three months of the receipt of this order. Shri M.P. Dixit, Id. Counsel for the applicant at this stage pointed out that in case the GM(P) comes to the conclusion that

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the promotion of the private respondents was ab initio wrong the consequential benefits should be made available to the applicants. *Be direct accordingly.*

8. With the above directions, this OA is disposed of. With the disposal of this OA, MA No. 03/2007 becomes infructuous and is also disposed of accordingly.

Amit Kushari
[Amit Kushari]
Member [A]
srk.

Anwar Ahmad
[Anwar Ahmad]
Member [J]