

Dated : 8 SEP 1988

115 & 141

88(F)

W. P. NO.

Respondent(s)

 $\cdot v/\varepsilon$ 

The Divisional Railway Manager, Southern Railway,  
Bangalore

1. Shri Gaffar Baig  
Head Clerk  
Commercial Branch  
Southern Railway  
Bangalore - 560 023
2. Shri Ravi Varma Kumar  
Advocate  
No. 11, Jeevan Building  
Kumara Park East  
Bangalore - 560 001
3. The Divisional Railway Manager  
Southern Railway  
Bangalore - 560 023
4. Shri M. Sreerangaiah  
Railway Advocate  
3, S.P. Building, 10th Cross,  
Cubbonpet  
Bangalore - 560 002

Please find enclosed herewith the copy of ORDER/~~STAY~~/INTERIM ORDER passed by this Tribunal in the above said application(s) on 29-8-88 .

Encl : As above

(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE

DATED THIS THE 29TH DAY OF AUGUST, 1988

Present: Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman  
and  
Hon'ble Shri L.H.A. Rego, Member (A)

APPLICATION NOS. 115 & 141/1988

Shri G. Gaffar Baig,  
S/o M. Jaffar Baig,  
Head Clerk,  
Commercial Branch,  
Southern Railway,  
Bangalore.

... Applicant.

(Shri Ravivarma Kumar, Advocate)

v.

The Divl. Railway Manager,  
Southern Railway,  
Bangalore.

... Respondent.

(Shri M. Sreerangaiah, Advocate)

These applications having come up for hearing to-day,  
Vice-Chairman made the following:

O R D E R

Applicant by Shri Ravi Varma Kumar. Respondent by  
Shri M. Sreerangaiah. Heard Counsel.

2. These are applications made by the applicant  
under Section 19 of the Administrative Tribunals Act,  
1985 ('Act').

3. Shri G. Gaffar Baig, the common applicant in  
these cases has been working as a Head Clerk from 1.1.1984.

4. The next promotional post to Head Clerks is Chief  
Clerk.

5. On 25.6.1986 the competent authority had promoted  
one Smt. Sarojamma and Shri D. Solomon as Chief Clerks.



But the applicant who claims to be senior to Shri Solomon was not promoted to that post. Hence he had challenged his non-promotion to that <sup>post</sup> from 25.6.86.

6. Smt. Sarojamma has retired from service in December 1986 and on 22.10.1987 Shri Solomon had died . Hence both of them are no longer in service. On these developments the Railway Administration had taken steps to fill up the posts. But so far that process had not been completed. On this View Shri Kumar very rightly seeks leave to withdraw these applications in so far as they relate to non-promotion of the applicant. We therefore, dismiss these applications to that extent.

7. One other grievance of the applicant concerns to the adverse remarks communicated to him by the Divisional Railway Manager, Bangalore (DRM) on 22.9.1986 for the period ending 31.3.1986. On that communication, the applicant had made representation on 29.9.1986 and 14.9.1987 (Annexure A7 & A3) before the same authority for expunging the adverse remarks which is still under examination and decision by him. In their reply (vide para III (ii),) the respondents have stated that the representations made by the applicant are still under examination and a decision will be taken on merits early.

8. Shri Kumar urges that we should direct the authority to examine the representations and decide the same one way or other with expedition. We are of the view that this request of Shri Kumar is well founded.

9. In the light of our above discussion, we make the following orders and directions:

(1) We dismiss these applications in so far as they relate to the non-promotion of the applicant as withdrawn by him without examining the further steps taken thereto by the Railway Administration for filling up of the vacant posts, which means that the applicant is free to agitate the same before the appropriate authorities and this Tribunal on all such grounds as are available to him.

(2) We direct the respondent, to dispose of the representations made by the applicant for expunging the adverse remarks communicated to him on 22.9.86 with all such expedition as is possible in the circumstances and in any event within one month from the date of receipt of this order.

10. Applications are disposed of in the above terms.

But in the circumstances of the case we direct the parties to bear their own costs.



Sd/-

VICE-CHAIRMAN

29/8/88

TRUE COPY

Sd/-

MEMBER (A) 29.8.88

gr/Mrv.

for DEPUTY REGISTRAR (JPL)  
CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE