

**Central Administrative Tribunal
Jabalpur Bench, Jabalpur**

Dated Friday this the 3rd day of March, 2006

OA No. 129 /06

Hon'ble Mr. Justice G. Sivarajan, Vice Chairman

Dulichand Sharma S/o Babulal
Sharma, aged about 41 years, R/o
RBI/107-1 Railway Colony,
Habibganj, Bhopal

Applicant

(By Advocate – Shri A.K. Singh)

Versus

1. Union of India through,
Its General Manager,
West Central Railway, Indiga
Market, Near Railway Station,
Jabalpur, (MP) 482001
2. Divisional Railway Manager,
West Central Railway, Habibganj,
Bhopal, (MP)
3. Assistant Divisional Railway,
Manager, West Central Railway,
Habibganj, Bhopal (MP)
4. Senior Divisional Electrical,
Engineer (General) West Central
Railway, Habibganj, Bhopal, M.P
5. Senior Divisional Personnel Officer
West Central Railway, Habibganj,
Bhopal, (MP)
6. Divisional Personnel Officer
West Central Railway, Habibganj, Bhopal, (MP)
7. Salman Khan,
(Temporarily Promoted on the post
of JE II) Gr. 5000-8000 (RSP)
R/o 109, RBI, Railway Colony,
Habibganj, Bhopal. (MP)

Respondents

ORDER (Oral)

Applicant is working as AC Mechanic, Grade II under the second respondent. His grievance is that 7th respondent in the OA has been temporarily promoted to the post of JE-II in the grade of Rs.5000-8000/- ignoring his entitlement to the said post. The applicant being aggrieved by the said promotion order had made a representation-dated 15.2.06 (Annexure A2) before the second respondent. According to the applicant, the 7th respondent is not qualified for being considered for promotion to the post of JE-II.

2. Learned counsel for the applicant submits that unless the order dated 14.2.06 at Annexure A1 promoting the 7th respondent to the post of JE-II is stayed, it will cause irreparable damage to the applicant. The counsel further submitted that the applicant had appeared for the written examination for selection to the post of JE-II and that there is every possibility of his succeeding in the said examination.

3. I have also heard Shri M.N.Banerjee, learned standing counsel for the Railways. He submits that the applicant has approached this Tribunal without giving a breathing time to the respondents to consider the representation made by the applicant and that the second respondent will certainly consider any such representation if received and pass orders in accordance with law.

4. Admittedly, the order-dated 14.2.06 gives only a temporary promotion to the 7th respondent. By the very nature, there is no reason to apprehend that the temporary promotion will be confirmed unless the said respondent is fully qualified and eligible for the said post. In these circumstances, the appropriate course, as suggested by the learned standing counsel, is only to direct the second respondent to consider and pass orders on A2 representation.



5. In the circumstances, this application is disposed of at the admission stage itself by directing the second respondent to consider and pass orders on the representation dated 15.2.06 (Annexure A2) as expeditiously as possible at any rate within 2 months from the date of receipt of a copy of this order.

6. The applicant will produce this order along with a copy of this OA and its annexures before the 2nd respondent for compliance.

7. The OA is disposed of as above. No order as to costs.

(G. Sivarajan)
Vice Chaitman

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पृष्ठकन सं ओ/न्या.....जबलपुर, दि.....
पत्तिलिपि अद्यो पित -

- (1) सचिव, उच्च न्यायालय जबलपुर, जबलपुर
- (2) आवेदक श्री/श्रीमती/कु.....के काउंसल
- (3) प्रत्यक्ष श्री/श्रीमती/कु.....के काउंसल
- (4) मध्यपाल, के.प्र.अ., जबलपुर न्यायपीठ
सूचना एवं आवश्यक कार्यवाही हेतु

Shri AK Singh H.C JBN

उप रजिस्ट्रार

8/3/06