

**THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR
ORDER SHEET**

APPLICATION NO.: _____

Applicant(s)

Respondent (s)

Advocate for Applicant (s)

Advocate for Respondent (s)

NOTES OF THE REGISTRY	ORDERS OF THE TRIBUNAL
	<p>16.04.2008.</p> <p><u>OA No. 125/2008</u></p> <p>Mr. Shiv Kumar, Counsel for applicant.</p> <p>Heard learned counsel for the applicant.</p> <p>The OA is disposed of by a separate order for the reasons recorded therein.</p> <p><i>[Signature]</i></p> <p>(J.P. SHUKLA) MEMBER (A)</p> <p><i>[Signature]</i></p> <p>(M.L. CHAUHAN) MEMBER (J)</p> <p>AHQ</p>

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 16th day of April, 2008

ORIGINATION APPLICATION NO. 125/2008

CORAM:

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER
HON'BLE MR. J.P. SHUKLA, ADMINISTRATIVE MEMBER

Vishnu Kumar son of Shri Sant Kumar aged about 43 years, resident of Village and post Maghura, District Mathura (UP) at present employed on the post of Sr. Road Man under Inspector of Works, Bharatpur, Western Central Railway, Kota Division, Bharatpur, Rajasthan.

.....APPLICANT

(By Advocate: Mr. Shiv Kumar)

VERSUS

1. Union of India through General Manager, Western Central Railway, Jabalpur (MP).
2. The Assistant Divisional Engineer, Western Central Railway, Kota Division, Bharatpur.

.....RESPONDENTS

(By Advocate: -----)

ORDER (ORAL)

Applicant has filed this OA thereby praying for the following relief:-

"(i) That the impugned order dated 27.02.2008 (Annexure A-1) treating refusal for promotion to the post of Helper Khallasi pay scale Rs.2650-4000 and debarring the applicant for promotion for one year may please be declared illegal and arbitrary and the same may please be quashed with all consequential benefits. Further the respondents may please be directed to give promotion to the applicant to the post of Helper Khallasi pay scale Rs.2650-4000 from his due date with all consequential benefits.

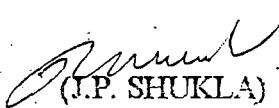
- (ii) Any other order/direction/relief(s) may be passed in favour of applicant, which *may be deemed fit, just and proper under the facts* and circumstances of this case.
- (iii) That the cost of this application may be awarded."

2. In sum & substance, the grievance of the applicant is that he was given promotion to the post of Helper Khallasi, pay scale Rs.2650-4000/-, vide order dated 25.09.2006 (Annexure A/2). According to the applicant, he was not relieved. Subsequently vide impugned order dated 27.02.2008 (Annexure A/1), he was given promotion to the post of Helper Khallasi in the same pay scale and it was further recorded in that order that the applicant was debarred for promotion for one year as the applicant has given his refusal for his earlier promotion. The contention of the applicant is that he has never given such refusal and as such he should not have been debarred for promotion. It is on this basis, the applicant has filed this OA.

3. We have heard the learned counsel for the applicant at admission stage. We are of the view that before approaching this Tribunal, it was incumbent upon the applicant to ventilate his grievances before the appropriate authorities thereby contending that he could not have been debarred for promotion as he has not given his written refusal for his promotion. Thus keeping in view the facts & circumstances of this case, we are of the view that ends of justice will be met if the applicant makes appropriate representation before the appropriate authorities in this regard.

4. Accordingly, the applicant is directed to make representation before Respondent No. 2 within a period of 15 days from today. In case such representation is made within the aforesaid period, the Respondent No. 2 shall decide the same by passing a reasoned and speaking order within a period of two months from the date of receipt of the representation. It is clarified that in case the applicant is aggrieved by the order ^{to be} passed by Respondent No. 2, it will be open for him to file substantive OA thereby challenging that order.

5. With these observations, the OA is disposed of at admission stage.


(J.P. SHUKLA)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

AHQ