

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR**

**ORDER SHEET**

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**ORDERS OF THE TRIBUNAL**

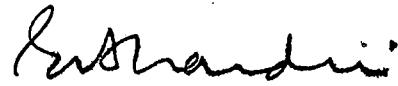
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24.7.2008

OA 179/2008

Mr. Sunil Samdaria, counsel for applicant.

Heard learned counsel for the applicant. The OA stands disposed of, at admission stage itself, by a separate order.



(R.R. BHANDARI)  
MEMBER (A)



(M.L. CHAUHAN)  
MEMBER (J)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
JAIPUR BENCH, JAIPUR.

Jaipur, the 24<sup>th</sup> day of July, 2008

ORIGINAL APPLICATION NO.179/2008

CORAM :

HON'BLE MR.M.L.CHAUHAN, JUDICIAL MEMBER  
HON'BLE MR.R.R.BHANDARI, ADMINISITRATIVE MEMBER

Syed Abdul Rahim Naqui  
S/o Shri Fyaz Ali,  
R/o Near Nilgaro Ki Basti,  
Mohalla Sadat,  
Village Malpura,  
District Tonk (Raj).

... Applicant  
(By Advocate : Shri Sunil Samdaria)

Versus

1. Union of India through  
General Manager,  
North Western Railway,  
Zonal Office,  
Ganpati Nagar,  
Jaipur.
2. Chief Security Commissioner,  
Railway Protection Force,  
North West Railway,  
Jaipur.
3. Divisional Railway Manager,  
DRM Office,  
Division Ajmer,  
Ajmer.

... Respondents  
(By Advocate : - - - )

ORDER (ORAL)

PER HON'BLE MR.M.L.CHAUHAN

Grievance of the applicant in this case is  
regarding not holding of DPC for promotion to the  
post of OS-I despite the fact that he has put in

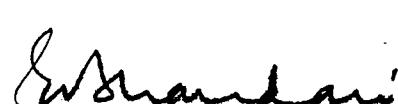
requisite years of service in the cadre of OS-II. On the basis of these facts, the applicant has prayed that a direction may be given to the respondents to give him promotion to the post of OS-I from the due date.

2. We have heard learned counsel for the applicant at admission stage. From the material placed on record, it is evident that the applicant has since retired from service. He had also made representation dated 30.3.2007 (Ann.A/3) to respondent No.2, which has not been decided so far.

3. Whether a post should be filled in or not is a matter which falls within the realm of policy decision. As such, it is not permissible for us, in exercise of the power of judicial review, to give direction to the respondents to promote the applicant from a particular date. Since representation of the applicant is pending, without entering into the merit of the case we are of the view that the present OA can be disposed of, at admission stage itself, if a direction is given to respondent No.2 to decide the representation of the applicant (Ann.A/3) within a specified period.

4. Accordingly, respondent No.2 is directed to decide the representation of the applicant dated 30.3.2007 (Ann.A/3) by passing a reasoned and speaking order within a period of two months from the date of receipt of a copy of this order. Needless to add that in case the applicant still feels aggrieved, he can approach this Tribunal again.

5. With these observations, the OA stands disposed of at admission stage itself with no order as to costs.



(R.R.BHANDARI)  
MEMBER (A)



(M.L.CHAUHAN)  
MEMBER (J)