

CENTRAL ADMINISTRATIVE TRIBUNAL**CHANDIGARH BENCH**

...
OA. 060/00237/2014

Chandigarh, this the 1st day of December, 2014

CORAM:HON'BLE MRS.RAJWANT SANDHU, MEMBER(A)
HON'BLE DR. BRAHM A.AGRAWAL, MEMBER(J)

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• Tarlok Nath s/o Sh. Mehnga Singh, aged 54 years, R/o 60-C Railway Colony, Roopnagar, working as MCM/TRD under SSE/TRD/Roopnagar.

.....Applicant

BY ADVOCATE: Sh. Karnail Singh

VERSUS

1. Union of India through General Manager, Northern Railway, New Delhi.
2. Divisional Railway Manager, Northern Railway, Ambala Cantt.
3. Sr. Divisional Personnel Officer, Northern Railway, Ambala Cantt.

.....Respondents

BY ADVOCATE: Sh. Rohit Sharma

Rs —

ORDER

HON'BLE MRS. RAJWANT SANDHU, MEMBER(A):-

1. This OA has been filed under Section 19 of the Administrative Tribunals Act, 1985, seeking directions to the respondent No. 3 for considering the applicant for promotion to the post of JE-II/TRD in the scale of Rs. 9300-34800 + GP Rs. 4200/- in a time-bound manner with all consequential benefits as granted to the similarly placed persons such as arrear of pay and seniority by quashing/modifying the impugned order dated 31.10.2013.

2. In the written statement filed on behalf of the respondents, it has been stated that a criminal case before the Hon'ble Civil Court is pending against the applicant. So, keeping in view the instruction contained in Railway Board circular issued by Northern Railway under P.S. No. 10738 (Annexure R-1), his result for further consideration for empanelment to the post of J.E./TRD Grade Rs. 9300-34800+GP 4200 (RSRP) against 25% promotion quota in the electrical/TRD Department has been kept pending till the finalization of the said criminal case. As _____

3. Rejoinder has been filed on behalf of the applicant wherein it has been stated that the applicant was charged under Sections 323, 324, 341, 504 and 506 of IPC which does not amount to moral turpitude and hence, has no adverse effect on the promotion of the applicant. Hence, ad hoc promotion could at least have been allowed in favour of the applicant. Moreover, the criminal case titled Nand Lal Moria Vs. Tarlok Nath in the court of Judicial Magistrate, Ropar had been dismissed as withdrawn as per the certified copy of the order dated 30.8.2014 (Annexure A-7).

4. When the matter came up for consideration on 13.11.2014, learned counsel for the respondents stated that till date the applicant has not submitted a copy of the order dated 30.8.2014 (Annexure A-7) to the respondents and hence, it was not possible to proceed further in the matter. He further stated that if representation in this regard is submitted by the applicant, his claim for promotion would be considered on merits.

5. Today, learned counsel for the applicant has stated at the Bar that the applicant has submitted a copy of the order dated 30.8.2014 (Annexure A-7) to the respondents and requested that the respondents be directed to decide the matter at the earliest.

As —

6. Learned counsel for the respondents stated that the time-bound directions to the respondent department could be issued to decide the claim of the applicant for promotion and consequential benefits.

7. In view of the submissions made by the learned counsel for the parties, the respondents No. 2 & 3 are directed to decide the representation submitted by the applicant regarding his promotion within a period of sixty days from the receipt of a certified copy of this order by them and also release the consequential benefits, if any, within this period. OA is disposed of accordingly.

**(RAJWANT SANDHU)
MEMBER(A)**

**(DR. BRAHM A.AGRAWAL)
MEMBER(J)**

Dated: December 1st, 2014.

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