

**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No.125/2014
O.A.No.129/2014
O.A.No.156/2014

Thursday, this the 24th day of September, 2015

Hon'ble Mr. A.K. Bhardwaj, Member (J)
Hon'ble Dr. B. K. Sinha, Member (A)

O.A.No.125/2014

Mr. Surender Pal Singh
Loco Pilot Shunter
Under Senior Selection Engineer (Loco)
Northern Railway
Tughlakabad, New Delhi

..Applicants

(Mrs. Meenu Mainee, Advocate)

Versus

Union of India : through

1. General Manager
Northern Railway
Baroda House, New Delhi
2. Divisional Railway Manager
Northern Railway
State Entry Road, New Delhi
3. Senior Section Engineer (Loco)
Northern Railway
Tughlakabad, New Delhi

..Respondents

(Mr. A K Srivastava, Advocate)

O.A.No.129/2014

Mr. Raj Kumar
Loco Pilot Shunter
Under Senior Selection Engineer (Electric Shed)
Northern Railway
Tughlakabad, New Delhi

..Applicants

(Mrs. Meenu Mainee, Advocate)

Versus

Union of India : through

1. General Manager
Northern Railway
Baroda House, New Delhi
2. Divisional Railway Manager
Northern Railway
State Entry Road, New Delhi
3. Senior Section Engineer (Electric Shed)
Northern Railway
Tughlakabad, New Delhi

..Respondents

(Mr. A K Srivastava, Advocate)

O.A.No.156/2014

Mr. Rakesh
Loco Pilot Shunter
Under Senior CC Shakurbasti, Delhi
r/o 134, Near Desu, Municipal Corporation
Delhi-37

..Applicants

(Mrs. Meenu Mainee, Advocate)

Versus

Union of India : through

1. General Manager
Northern Railway
Baroda House, New Delhi
2. Divisional Railway Manager
Northern Railway
State Entry Road, New Delhi
3. Senior C C Shakurbasti
Delhi (Railway)

..Respondents

(Mr. A K Srivastava, Advocate)

O R D E R (ORAL)

Mr. A.K. Bhardwaj:

The short issue arise to be determined in the present Original Applications is “whether the applicants can be forced to avail promotion to

the post of Loco Pilot Goods in PB 9300-34800 with Grade Pay of Rs.4200/-. We find that the applicants had made representations to the respondents explaining their difficulties in not availing the promotion and making it clear that they would have no objection if their juniors are promoted in their places.

2. When the Original Applications came up for admission, it could be viewed that the respondents could take a decision in the matter before the next date and till then they were directed not to insist upon the acceptance for promotional post by the applicants. The interim order passed in O.A.No.125/2014 reads thus:-

“Heard the learned counsel for the applicant.

The applicant is aggrieved by the impugned order in terms of which the respondents have placed his name on the list of those who have been promoted from the post of Loco Pilot Shunter to the post of Loco Pilot Goods.

It is seen that the applicant has made a representation dated 7.1.2014 foregoing his promotion to the post of Loco Pilot Goods. Let the respondents take a decision in the matter before the next date of hearing and report the same.

Issue notice to the respondents.

Till such time, the respondents shall not insist the applicant for accepting his promotional post.

Issue DASTI.

List it again for further consideration on 12.2.2014.”

3. Apparently, no decision has been taken by the respondents in the representations made by the applicants. In terms of Section 20 of Administrative Tribunals Act, 1985, it is incumbent upon an individual to avail the departmental remedies before approaching the Tribunal. Such

incumbency casts counter obligation upon the authorities to whom the representations are made to decide the same.

4. In the circumstances, the Original Applications are disposed of with direction to the respondents to take a decision in the representations made by the applicants, as expeditiously as possible preferably within eight weeks from the date of receipt of a copy of this Order. Till then, the applicants would not be forced to avail the promotion granted to them to the post of Loco Pilot Goods in terms of the order dated 31.12.2013. No costs.

A copy of this Order be placed in the respective files.

(Dr. B.K. Sinha)
Member (A)

(A.K. Bhardwaj)
Member (J)

September 24, 2015
/sunil/