

**Central Administrative Tribunal
Principal Bench**

OA No. 752/2014

New Delhi this the 14th day of September, 2015

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

Shri Anand Kumar Gupta,
S/o Shri Shiv Narayan Gupta,
Loco Pilot Shunter,
Under Senior Crew Controller,
Northern Railway,
Tughlakabad, New Delhi

...Applicant

(None)

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 Crew Controller,
Northern Railway,
Tughlakabad, New Delhi
- ...Respondents

(By Advocate: Sh. Shailendra Tiwary)

ORDER (Oral)

By Mr. A.K. Bhardwaj, Member (J):

In terms of Notice dated 31.12.2013, the applicant
was promoted as Loco Pilot Goods in PB-3 of Rs. 9300-

34800/- (GP-Rs. 4200/-). Nevertheless, he filed the present OA praying therein:-

- “8.1 That this Hon’ble Tribunal may graciously be pleased to allow this application and quash the impugned order in so far as it affects the applicant.
- 8.2 Pass any other or further order which this Hon’ble Tribunal may deem fit and proper in the circumstances of the case.
- 8.3 That the cost of the proceedings may kindly be granted in favour of the applicant and against the Respondents.”

2. Today, Mr. Shailendra Tiwary, learned counsel for the respondents, produced a letter No. 758-E/5807Pt.XII/P-7 dated 13.03.2014 whereby in consideration of the representation of the applicant, he is denied the promotion to the post (*ibid*) and has been debarred from promotion for a period of one year. The letter reads thus:

“NORTHERN RAILWAY

Divisional Office
New Delhi:

No. 758-E/580/Pt.XII/P-7
Dated 13.3.14

Sh. Anand Kumar Gupta S/o Sh. S.N. Gupta
Loco Pilot Shunter/DSL/TKI)

Sub:-Regarding refusal for promotion of Loco Pilot Goods.

Ref: - Your application dated 19.2.14 for refusal of the promotion orders.,

In terms of this office letter of even no. dated 31.12.13 you were promoted as Loco Pilot Goods and

posted at DSI/SSB, but you have refused for the promotion.

Your representation has been decided by the competent authority and since you have refused the promotion as Loco Pilot Goods GP 420, You are debarred from promotion to this post for a period of one year as per extant rules and the employees who were promoted will rank senior to you.

Sd/
For Divisional Personnel Officer
New Delhi

Copy to
Sr. DME/Power
S. CC/TKD,
Incharge Single Window cell item no. 5327 dated
19.2.14/Power/P-7"

In the wake, Original Application is disposed of as
infructuous. No costs.

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

(A.K. Bhardwaj)
Member (J)

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