

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

O.A.No.2488/2013

Thursday, this the 5th day of November 2015

**Hon'ble Mr. A.K. Bhardwaj, Member (J)
Hon'ble Mr. V.N. Gaur, Member (A)**

Mr. K K Saxena
s/o Mr. B S Saxena
Sr. Clerk Electrical Branch
DRM Office, Moradabad

.. Applicant
(Mrs. Meenu Mainee, Advocate)

Versus

Union of India through

1. General Manager
Northern Railway HO
Baroda House, New Delhi
2. Divisional Railway Manager
Northern Railway
Moradabad

.. Respondents
(Nemo)

O R D E R (ORAL)

Mr. A.K. Bhardwaj:

The short issue raised on behalf of the applicant in the instant Original Application is regarding his promotion to the post of Senior Clerk.

2. There is no appearance on behalf of the respondents, thus the Original Application is taken up for disposal in terms of Rule 16 of CAT (Procedure) Rules, 1987.
3. According to the applicant, the issue was considered in the meeting of P.N.M. with N.A.M.U. held on 6/7.04.2011 (Annexure A-4) and it could be

viewed that the further action should be taken in the matter in accordance with the Rules. Relevant excerpt of the Minutes recorded in the meeting reads thus:-

<p>Sl. No.30 Item No.30/11 Sr. DDE</p>	<p>Sub: Deliberate failure of Shri Kishore Kumar Saxena, Clerk under SE/Elect/AC/ Moradabad in seniority cum suitability test for promotion to the post of Sr. Clerk by malicious evaluation of answer book.-</p> <p>Shri Kishore Kumar Saxena, Clerk under SE/Elect/AC/ Moradabad in Gr. Rs.3050- 4590 vide his representation dt. 23/1/11 which has been forwarded to DRM under this union's letter No.NRMU/ Divn /MB HQ/11 dt. 24/1/11 has represented that in seniority cum suitability test for promotion to the post of Sr. Clerk Gr. Rs.4500-7000 held on 28/3/07 he was declared as failed deliberately copy of answer book obtained by him from the Administration under Saxena's representation it would kindly be seen that the replies to the questions given therein despite being correct were not given numbers failed intentionally and deliberately in order to accommodate his junior Sh. Bhagwat Singh, Clerk under SE/Elect/ DDN in the list of rather offence on the part of the examiner warrants him to be debarred from acting as examiner in future. It is therefore, requested that the enclosed representation may kindly be looked into and necessary action may be taken to get the answer book of Sh. Saxena revalued by some other officer so as to give him justice</p>	<p>प्रचार-प्रमाण के पांचात यह ज्ञानात्मक प्रयोग गया है क्रमानुसार अमान्यमान्य विवरण सुनिश्चित करा</p> <p>(प्राप्त)</p>
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	and promote him to the post of Sr. Clerk reverting Sh. Bhagwat Singh back to his original post with retrospective effect.	
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4. In the wake, the Original Application is disposed of with direction to the respondents to take final view in the matter, if not already taken, as indicated in the aforementioned Minutes under intimation to the applicants herein, within three months from the date of receipt of a copy of this Order. No costs.

(V.N. Gaur)
Member (A)

(A.K. Bhardwaj)
Member (J)

November 5, 2015
/sunil/