

**Central Administrative Tribunal
Principal Bench**

OA No. 3487/2015

New Delhi this the 24th day of September, 2015

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

1. Madhu Kumar, S/o Manohar Lal,
Dy. Chief Inspector of Tickets,
Under Divisional Railway Manager,
Ambala Cantt.,
R/o 8-D, Dayal Bagh,
Near Gurudwara, Ambala Cantt
2. Sudhir Tyagi, S/o MS Tyagi,
Dy. Chief Inspector of Tickets,
Under Divisional Railway Manager,
Amabala Cantt.,
R/o 309-BV, Railway Colony,
Ambala Cantt
3. Kamal Kapoor, S/o Kishan Lal,
Dy. Chief Inspector of Tickets,
Under Divisional Railway Manager,
Ambala Cantt.
R/o 72, Chanderpuri,
Near Kuldeep Nagar,
Ambala Cantt.
4. Narinder Singh,
S/o Karnail Singh,
Dy. Chief Inspector of Tickets,
Under Divisional Railway Manager,
Ambala Cantt.
R/o 112, Dasmesh Colony,
Zirakpur

...Applicants

(By Advocate: Ms. Meenu Mainee)

VERSUS

Union of India & Ors. : Through

1. Secretary,
Railway Board,

Ministry of Railways,
Rail Bhawan, New Delhi

2. General Manager,
Northern Railway,
Baroda House, New Delhi
3. Divisional Railway Manager,
Northern Railway,
DRM Office, Ambala Cantt.
4. Paramjeet Singh, S/o Buta Singh,
Dy. Chief Inspector of Tickets,
Under Divisional Railway Manager,
Ambala Cantt.
5. Suresh Kumar, S/o Bhadu Ram,
Dy. Chief Inspector of Tickets,
Under DRM Office,
Ambala Cantt.
6. Ajay Kumar, S/o O.P.
Dy. Chief Inspector of Tickets,
Under DRM Office,
Ambala Cantt. ...Respondents

(By Advocate: Shri Shailendra Tiwary)

ORDER (Oral)

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

The applicants have filed the present Original Application precipitating that the respondents would make promotion to the post of CIT disregarding the law declared by the Hon'ble Supreme Court in ***M. Nagaraj & Ors. vs. Union of India & Ors.***, JT 2006(9) SC 191; ***Suraj Bhan Meena & Anr. Vs. State of Rajasthan &***

Ors., 2011 (1) SCC 467 and U.P. Power Corporation Ltd. Vs. Rajesh Kumar & Ors., 2012 (4) SCALE 687.

2. Shri Shailendra Tiwary, learned counsel for the respondents, submitted that no promotion to the post of CIT has been made and there is no cause of action for the applicants herein to file the present OA.

3. There is sufficient substance in the submission put forth by the learned counsel for the respondents. Once the respondents have not made any promotion to the post of CIT, there could be no reason for the applicants to approach the Tribunal.

4. In view of the stand taken by the learned counsel for the respondents, the OA is disposed of for want of cause of action. Nevertheless, we are sanguine that in making any promotion to the post of CIT, the respondents would have due regard to the law declared by the Hon'ble Supreme Court in **M. Nagaraj & Ors. vs. Union of India & Ors.**, (supra), **Suraj Bhan Meena & Anr. Vs. State of Rajasthan & Ors.** (supra) and **U.P. Power Corporation Ltd. Vs. Rajesh Kumar & Ors.** (supra). If law so declared is disregarded in making the promotion to the aforementioned post, the applicants

would be at liberty to take recourse for the appropriate remedy in accordance with law.

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

(A.K. Bhardwaj)
Member (J)

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