

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

O.A. No.3700/2015  
M.A.No.3356/2015

Thursday, this the 8<sup>th</sup> day of October 2015

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

1. Mr. Yashpal Singh s/o Mr. Nagar Singh  
Age 48 years  
TTI, Northern Railway  
Jammu
2. Mr. Sham Kumar  
s/o Mr. Krishan Lal  
TTI, Northern Railway  
Ludhiana

...Applicants

(Mrs. Meenu Mainee, Advocate)

Versus

Union of India through

1. The Secretary, Railway Board  
Ministry of Railways  
Rail Bhawan, Raisina Road  
New Delhi
2. The General Manager  
Northern Railway  
Baroda House, New Delhi
3. Divisional Railway Manager  
Northern Railway  
Ferozepur Cantt.
4. Mr. Kanwaljit  
s/o Mr. Soni Ram,  
TTI, Northern Railway  
Ludhiana
5. Mr. Ravi Kumar s/o Mr. Ram Karan  
TTI, Northern Railway  
Ferozepur

..Respondents

(Mr. Shailendra Tiwary, Advocate)

## O R D E R (ORAL)

**Mr. A.K. Bhardwaj:**

M.A.No.3356/2015

M.A. seeking joining together in a single petition is allowed.

O.A.No.3700/2015

The applicants have filed the present Original Application precipitating that the respondents would make promotion to the post of CIT disregarding the law declared the Hon'ble Supreme Court in **M. Nagaraj & others v. Union of India & others**, JT 2006 (9) SC 191; **Suraj Bhan Meena & another v. State of Rajasthan & others**, (2011) 1 SCC 467 and **U.P. Power Corporation Ltd. v. Rajesh Kumar & others**, 2012 (4) SCALE 687. Learned counsel for applicants also relied upon the judgment of Hon'ble High Court of Patna in **Sushil Kumar Singh & others v. The State of Bihar & others**, 2015 (2) PLJR 844.

2. Heard. Issue notice to the respondents. Mr. Shailendra Tiwary, learned counsel for Ministry of Railways accepted notice and 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 Original Application.

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 Original Application 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 & others v. Union of India & others, Suraj Bhan Meena & another v. State of Rajasthan & others** and **U.P. Power Corporation Ltd. v. Rajesh Kumar & others** (supra) as also the judgment of Hon'ble High Court of Patna in **Sushil Kumar Singh & others v. The State of Bihar & others** (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)

October 8, 2015  
/sunil/