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**CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH**

Original Application No.180/00401/2018

Monday, this the 14th day of May, 2018

C O R A M :

**HON'BLE Mr. U. SARATHCHANDRAN, JUDICIAL MEMBER
HON'BLE Mr.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER**

H.Rakesh,
S/o. K. Haridasan,
Technician Grade III/A/C,
Office of the Senior Section Engineer,
Electrical Department, Marshalling Yard, Kathrikadavu P.O.
Residing at Kaippilly House,
Choolissery P.O, Thrissur – 680 541. ...Applicant

(By Advocate – Ms.Shameena Salahudheen)

V e r s u s

1. Union of India represented by General Manager,
Southern Railway, Park Town, Chennai – 600 003.
2. The Chief Personnel Officer,
Southern Railway, Chennai – 600 003.
3. The Senior Divisional Personnel Officer,
Southern Railway, Trivandrum Division,
Trivandrum – 695 014.
4. The Senior Divisional Electrical Engineer,
Divisional Office, Southern Railway,
Trivandrum – 695 014.
5. Senior Section Engineer,
Electrical Department,
Marshelling Yard, Southern Railway,
Kathrikadavu, Ernakulam – 682 016. ...Respondents

(By Advocate – Mr.Sunil Jacob Jose)

This Original Application having been heard on 14th May 2018, the Tribunal on the same day delivered the following :

ORDER

Per : HON'BLE Mr.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER

Heard Ms.Shameena Salahudheen, learned counsel for the applicant. The applicant is aggrieved by non consideration of his request for adhoc promotion as Technician Grade II on the ground that he is facing prosecution in a criminal case. Learned counsel for the applicant contends that in view of the Railway Board orders at Annexure A-7 and Annexure A-8 which are part of the Railway Servants (Discipline & Appeal) Rules, 1968, he is eligible to be considered for promotion as criminal proceedings have not been concluded even after two years.

2. This Tribunal feels that the O.A can be disposed of at this point with a direction to Respondent No.3 to consider the representation, a copy of which is available at Annexure A-9 already filed by the applicant, in the background of the Railway Board orders at Annexure A-7 and Annexure A-8 and take a final view on the same within a period of one month from the date of receipt of a copy of this order. Ordered accordingly.

3. The O.A stands disposed of. No costs.

(Dated this the 14th day of May 2018)

**(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER**

**(U.SARATHCHANDRAN)
JUDICIAL MEMBER**

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Applicant's Annexures

1. Annexure A1 - True copy of the Final Report in SC 1084/13 dated 30.10.2012.
2. Annexure A2 - A true copy of the Charge Sheet served on the applicant dated 31.01.2013.
3. Annexure A3 - A true copy of the Explanation submitted by the Applicant dated 26.02.2013.
4. Annexure A4 - A true copy of the proceedings of the Preliminary Enquiry dated 11.02.2014.
5. Annexure A5 - A true copy of the Enquiry Report submitted by the Enquiry Officer.
6. Annexure A6 - A true copy of the promotion order O.O No.21/2016/Elec/A/C dated 26.04.2016.
7. Annexure A7 - A true copy of the Railway Board Order RBE 235/2001 dated 06.12.2001.
8. Annexure A8 - A true copy of the Railway Board Order RBE 13/93 dated 21.01.1993.
9. Annexure A9 - A true copy of the Request submitted by the applicant through proper channel dated 14.06.2016.
10. Annexure A10 - A true copy of the communication No. TI/No. V/P 571/VIII/Elec/AC Trade Test/Tech II & III dated 16.10.2017 issued by the 3rd respondent.

Annexures of Respondents

NIL

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