

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH**

O.A. No. 350/00828/2018

Date of Order: 14.06.2018

Present: Hon'ble Mrs. Manjula Das, Judicial Member

Sri Vijoy Kumar Gond  
Son of Sri Kashi Lal Sah and  
Aged about 46 years, Working as Chief  
Commercial Inspector, Claims, East Central  
Railway, Hazipur and Resident of Village – Tumkariya  
P.O. – Rajpur, P.S. – Shikarpura, Dist – West Champaran  
Bihar, Pin – 845455.

-VS-

.....Applicant.

1. The Union of India, through the General Manager  
East Central Railway, Hajipur New G.M. Building  
Dighi Kalan, P.O. & P.S. – Hajipur, Pin – 844101.
2. The Chief Personnel Officer, East Central Railway  
Hajipur, New G.M. Building, Dighi Kalan  
P.O. & P.S. – Hajipur, Pin – 844101.
3. The Chief Commercial Manager  
East Central Railway, Hajipur  
New G.M. Building, Dighi Kalan  
P.O. & P.S. – Hajipur, Pin – 844101.

.....Respondents.

For the Applicant : Ms. A. Sarkar  
Mr. K. Sarkar

For the Respondents : None

**ORDER (ORAL)**

**Per Mrs. Manjula Das, Judicial Member:**

Mr. K. Sarkar, learned counsel appearing for the applicant submits that the present O.A. has been filed for non consideration of the case of the applicant for promotion to the post of Assistant Commercial Manager Group 'B' in the Pay Band of Rs. 9300-34800/- (PB-2) and Grade Pay of Rs. 4800/- against two vacant posts from the selection under 70% quota for ST candidates in the year 2013 as also one post by the present selection under 70% quota in the year 2018.

Mr. Sarkar submits that let a direction be issued to the respondents to carry forward the remaining two vacant posts under 70% quota from selection process of the year 2013 and after adding the aforesaid two posts, the present selection process may be completed.

2. Mr. Sarkar further submits that applicant belongs to ST Category. As such, his case ought to have been considered by the respondent authorities. According to Mr. Sarkar, the Govt. of India has already announced for filling up the backlog vacancy of ST category but the respondent authorities have ignored and violated the Policy decision of the Govt. of India which is not sustainable in the eye of law.

3. Mr. Sarkar further submits that applicant had submitted a representation dated 28.05.2018 before the Chief Personnel Officer, E.C. Railway, Hajipur, respondent No. 2, requesting therein to add two vacant post of 2013 and

thereafter, to conclude the selection process for selection to the post of ACM under 70% quota earmarked for ST candidates which is still pending without disposal. Accordingly, learned counsel prays that let a direction be given to the respondent No. 2 to consider and dispose of the representation of the applicant dated 28.05.2018 within a very short period.

4. I have heard the learned counsel for the applicant. Perused the pleadings and the documents placed on record. It is a matter of fact that the applicant is aggrieved with the action of the respondent authorities for non-consideration of his promotion to the post of Assistant Commercial Manager (Group 'B') in the Pay Band of Rs. 9300-34800/- (PB-2) and Grade Pay of Rs. 4800/- against two vacant posts against selection under 70% quota for ST candidates in the year 2013. He made a representation before the respondent No. 2 on 28.05.2018 and the same is still pending consideration.

5. At this stage, as the learned counsel for the applicant only prays for a direction upon the respondents to dispose of the applicant's pending representation dated 28.05.2018, by accepting the said prayer and without going into the merit of the case, I direct the respondent No. 2 to consider and dispose of the pending representation dated 28.05.2018 within a period of fifteen days from the date of receipt copy of this order.

6. It is made clear that, whatever decision to be arrived by the respondent No. 2, shall be a reasoned and speaking and shall be communicated to the Applicant forthwith.

7. With the above direction, O.A. stands disposed of.
8. No order as to costs.

(Manjula Das)  
Member (J)

PB

