

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**ALLAHABAD BENCH ALLAHABAD.**

Dated : This the 2<sup>nd</sup> day of April 2019

**Original Application No. 330/00302 of 2019**

**Hon'ble Ms. Ajanta Dayalan, Member – A**  
**Hon'ble Mr. Rakesh Sagar Jain, Member – J**

Ashutosh Kumar Srivastava, S/o Shri R.L. Srivastava, R/o North Humayunpur, Gorakhpur, District Gorakhpur, Presently posted as Assistant Divisional Engineer (Line), North Eastern Railway, Izzatnagar, Bareilly.

. . .Applicant

By Adv : Shri K.M. Ojha & Shri S.K. Singh

**V E R S U S**

1. Union of India, through its Secretary, Ministry of Railways, Room No. 239, Rail Bhawan, Raisina Road, New Delhi.
2. General Manager, North Eastern Railway, Gorakhpur.
3. Principal Chief Engineer, North Eastern Railway, Gorakhpur.
4. Principal Chief Personnel Officer, North Eastern Railway, Gorakhpur.
5. Deputy Chief Personnel Officer / Gazetted, North Eastern Railway, Gorakhpur.

. . .Respondents

By Adv: Shri P.K. Rai

**O R D E R**

**By Hon'ble Ms. Ajanta Dayalan, Member – A**

Heard Shri K.M. Ojha, learned counsel for the applicant and Shri P.K. Rai, learned counsel for the respondents.

2. Learned counsel for the applicant states that the applicant was charged in a criminal case, pending which his promotion to the post of Divisional Engineer was considered by the Departmental Promotion Committee in November 2015 and the recommendation of the said Committee was kept in a sealed cover. The applicant was finally acquitted by the Sessions Court on 12.04.2018 in the above said case. Despite that,

his sealed cover has not been opened and no decision has been taken on his promotion since then.

3. Learned counsel for the applicant further states that the applicant has made a representation dated 19.04.2018 (Annexure No. 3) which is still pending. The applicant's counsel states that applicant will be satisfied if the representation of the application dated 19.04.2018 is decided by the respondents department in a time bound manner.

4. In view of the limited prayer of the applicant, we direct the competent authority amongst the respondents to decide the representation of the applicant dated 19.04.2018 (Annexure No. 3) by passing reasoned and speaking order, within a period of 3 months from the date of receipt of a certified copy of this order, and communicate the same to the applicant.

5. This order in no manner be construed to express any opinion on the merits of the case. OA is disposed of accordingly. No costs.

**(Rakesh Sagar Jain)**  
Member (J)

**(Ajanta Dayalan)**  
Member (A)

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