

**Central Administrative Tribunal
Jaipur Bench, Jaipur**

O.A. No. 116/2019

Date of decision: 13.03.2019

**Hon'ble Mr. Suresh Kumar Monga, Member (J)
Hon'ble Mr. A. Mukhopadhyaya, Member (A)**

1. Abid Khan S/o Abdul Hanif age about 25 years R/o near Shaheen School, Gangapur City, Sawai Madhopur, Rajasthan.
2. Rajesh Kumar S/o Ramji Lal age about 22 years R/o 57/RE/I/IB Old Railway Colony, RE/I, Kota Junction, Kota, Rajasthan.
3. Ajruddin Khan S/o Sarfuddin Khan age about 22 years R/o Pratap Colony, Rangpur Road, Kota-24002, Rajasthan.
4. Nandkishore S/o Shyam Singh age about 20 years R/o Nagala Malyan, Fatehpur Sikri-283110.

(All applicants are presently working on the post of Khallasi (TMC) in the office of Senior Section Engineer (TMC), Kota Junction, West Central Railways, Kota).

...Applicants.

(By Advocate: Shri Aniroodh Mathur)

Versus

1. Union of India through Secretary, Ministry of Railways, 256-A, Raisina Road, Rajpath Area, Central Secretariat, New Delhi, Delhi - 110001.
2. The General Manager, West Central Railways III rd Floor, Annex Building Opp Indira Market, Jabalpur-482068 (M.P.).

(2)

3. Divisional Regional Manager,
Bhimganj Mandi, Railway Station Area,
Kota, Rajasthan-324002.
4. The Executive Engineer (TMC),
Bhimganj Mandi, Railway Station Area,
Kota, Rajasthan-324002.
5. The Assistant Personnel Officer,
Bhimganj Mandi, Railway Station Area,
Kota, Rajasthan-324002.

...Respondents.

ORDER (ORAL)

Per: Suresh Kumar Monga, Member (J):

By way of present Original Application filed under Section 19 of the Administrative Tribunals Act, 1985, apart from challenging the validity of order dated 02.01.2019 (Annexure A/1), the applicants are seeking a direction to respondents to consider their candidatures for promotion to the post of Technician-III (TMC).

2. Learned counsel for the applicants stated that before filing the present Original Application, a legal notice dated 01.02.2019 (Annexure A/5) was served upon the respondents and the same has not been replied as yet. Learned counsel further submitted that the applicants would be satisfied if a direction is issued to respondent to treat the legal Notice dated 01.02.2019 as applicants' representation and decide the same within a timeframe.

(3)

3. In view of the aforesaid limited prayer made by learned counsel for the applicants, the present Original Application is disposed of with a direction to respondents to treat the applicants' legal Notice dated 01.02.2019 as their representation and take a decision over the same by way of passing a reasoned and speaking order in accordance with law within a period of one month from the date of receipt of a certified copy of this order. Needless to observe that before taking any decision over the applicants' representation, they shall also be afforded an opportunity of hearing.

4. Ordered accordingly. No order as to costs.

(A.Mukhopadhyaya)
Member (A)

(Suresh Kumar Monga)
Member (J)

/kdr/