

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

O.A No. 2869/2019

This the 27th day of September, 2019

Hon'ble Mr. R.N. Singh, Member (J)

Hon'ble Ms. Aradhana Johri, Member (A)

Shri V. K. Lashkari, Age 59 years,
S/o. Late Shri Amrit Lal,
Working as Commercial Clerk (Group –C),
Under Station Superintendent,
North Eastern Railway,
Gurshay Ganj,
Distt. Kanoj, (U.P).

....Applicant

(By Advocate : Mr. Manjeet Singh Reen)

Versus

Ministry of Railways & Others

1. The General Manager,
North Eastern Railway,
Gorakhpur (U.P.)
2. The Divisional Railway Manager,
North Eastern Railway,
Izzatnagar,
Bareilly (U.P.)

...Respondents

(By Advocate : Mr. Krishna Kant Sharma)

ORDER (ORAL)

Hon'ble Mr. R.N. Singh, Member (J) :

Heard learned counsel for applicant. The applicant through his learned counsel contends that though the applicant's juniors were promoted to the post of Senior Commercial Clerk with effect from 01.01.2018 vide Office

order No. 2075 dated 19.01.2016 (Annexure A-3) however, he was not considered for promotion to such post because he was undergoing various punishments. Learned counsel for applicant further submits that though the penalties imposed upon him have already been suffered by him, the respondents have not considered him for promotion in accordance with the relevant rules. Accordingly, the applicant made a representation dated 10.05.2018 (Annexure A/4) followed by another representation dated 01.07.2019 (Annexure A/5) to the respondents no. 1 and 2. However, the said representations have not been considered and disposed of till date and the applicant is likely to retire on attaining the age of superannuation in February, 2020.

2. Issue notice to the respondents.

3. Mr. Krishna Kant Sharma, learned standing counsel for respondents appears and accepts notice on behalf of the respondents.

4. Learned counsel for applicant submits that the applicant shall be satisfied if the O.A is disposed of at this stage itself with a direction to the respondents to consider the applicant's aforesaid representation and dispose of the same in a time bound manner.

5. We are of the considered view that if such request of the applicant is accepted, no prejudice is likely to be caused to the respondents.

6. In view of the aforesaid, without going into the merit of the claim of the applicant, we dispose of the O.A with a direction to the respondent no. 2 i.e., the Divisional Railway Manager, Bareilly to consider the applicant's aforesaid two representations keeping in view the relevant rules and instructions on the subject and dispose of the same by passing a reasoned and speaking order within three months from the date of receipt of a certified copy of this order. No costs.

(Aradhana Johri)
Member (A)

(R. N. Singh)
Member (J)

/Mbt/