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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 3847 of 2015**

1. Union Of India Through General Manager, S. E. C. Railway, Bilaspur Zone, G. M. Office, Bilaspur- 495004
2. Sr. Divisional Personnel Officer, S.E.C. Railway, Bilaspur Division, DRM Office, Bilaspur (Chhattisgarh)- 495004

---- Petitioners

Versus

Rabin Biswas S/o Shri Rupchand Biswas, Aged About 47 Years Working As Chief Office Superintendent, O/o Sr. D M D (Mechanical Dept.) S.E.C. Railway, Bilaspur, R/o Qr. No. 543/4, R T S Colony, Bilaspur- 495004 (Chhattisgarh)

---- Respondent

And**Writ Petition (S) No. 3852 Of 2015**

1. Union Of India Through The Secretary, Ministry Of Railways, Railway Board, Rail Bhawan, Raisena Road, New Delhi- 110001
2. General Manager, South East Central Railway New G M Building, Bilaspur (Chhattisgarh) 495004
3. Sr. Divisional Personnel Officer South East Central Railway Raipur (Chhattisgarh) 492008

---- Petitioners

Vs

L. Prabhakar Rao, Aged About 37 Years, Working As C O S, S E C R, Raipur, S/o L. Appaiah, R/o House No. 296, Panchsheel Nagar, West Charodha, B M Y- 492025

-----Respondent

For Appellants:

Shri Abhishek Sinha, Advocate.

For Respective Respondents:

Shri BP. Rao and Shri AV Shridhar, Advocates.

Hon'ble The Chief Justice
Hon'ble Shri Justice P. Sam Koshy

Judgment on Board**Per Navin Sinha, Chief Justice****02/03/2016**

1. Learned Counsel for the Petitioners prays for and is permitted to delete

the date 31.8.2008 in paragraph-8.9 of the Writ Applications to which the Respondents have no objection.

2. These two Writ Petitions arise out of a common order dated 19.5.2015 passed by the Central Administrative Tribunal, Jabalpur Bench, Circuit Sitting: Bilaspur (hereinafter referred to as 'the Tribunal') in O.A Nos.902/2012 and 203/00026/15. The Respondent L. Prabhakar Rao was aggrieved by the rejection of his representation against his reversion from the post of Chief Office Superintendent to the Office Superintendent and the Respondent Rabin Biswas was aggrieved by his ineligibility to be considered for promotion as Office Superintendent against the 20% LDCE quota for promotion.

3. We are satisfied that the stage has not arrived for us to test the order of the Tribunal on merits as we are also satisfied that the Tribunal committed gross error in pre-judging the OA application without awaiting the opinion of the Railway Board after the matter was referred to it by the Petitioner evident from paragraph-7 of the order under challenge.

4. Appropriately, in our opinion once the Tribunal was apprised that the Railway Board was in seisin of the matter, it should have either disposed the OA application to abide by the opinion that the Railway Board leaving it open for the aggrieved to challenge it if dissatisfied or alternatively should have postponed the matter to enable the opinion of the Railway Board to be placed before it and then decided the matter in accordance with law. The Tribunal therefore erred in proceeding to decide the matter on merits without awaiting the opinion of the Railway Board. We reconsider the same as sufficient to hold that the order is not sustainable in its present form. It is accordingly set aside.

5. The matter is remanded to the Tribunal for fresh decision and

consideration in accordance with law in the light of the opinion of the Railway Board dated 23.4.2015 rendered much before the disposal of the OA applications by the Tribunal.

6. It will be open for the parties to bring on record the opinion of the Railway Board dated 23.4.2015. It is expected that the Tribunal shall deal with the matter as expeditiously as possible and dispose it by a fresh reasoned and speaking order in accordance with law. The status quo as on date to be maintained between the parties till then.

7. The Writ Petitions are disposed.

Sd/-
(Navin Sinha)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE