

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 1061 of 2018**

1. Union Of India General Manager South East Central Railway Headquarters Office, Bilaspur, District Bilaspur (Chhattisgarh)
2. Chief Personnel Officer, South East Central Railway Bilaspur (Chhattisgarh)
3. Senior Personnel Officer (GAZ) Personnel Department, South East Central Railway Bilaspur (Chhattisgarh)

---- Petitioners**Versus**

1. Alok Kumar S/o Ramanand Pandey Aged About 38 Years Working As CTI/FOIS, O/o Chief Operation Manager, SEC Railway, Headquarters Bilaspur (Chhattisgarh)
2. Jitendra Tiwari, Posted As AOM (Group-B) SEC Railway, Raipur Division, DRMS Office, Raipur (Chhattisgarh)
3. S. Bharateeyam Working As AARM (Group-B) SEC Railway, Shahdol District Shahdol (Madhya Pradesh)

---- Respondents

For Petitioners	: Shri H.S. Ahluwalia, Advocate.
For Respondent No.1	: Shri B.P. Rao, Advocate.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice
Hon'ble Shri Parth Prateem Sahu, Judge

Order on Board**15/11/2018****Per Ajay Kumar Tripathi, Chief Justice**

1. Heard counsel for the parties.
2. Keeping in mind the Constitution Bench decision which has been rendered in ***SLP (C) No.30621 of 2011*** i.e. ***Jarnail Singh & Others Vs. Lachhmi Narain Gupta & Others*** and analogous cases decided on 26.09.2018, the law laid down by the Hon'ble Supreme Court in ***M. Nagraj Vs. Union of India*** reported in ***(2006) 8 SCC 212*** still holds the field.

3. If this be so, the writ application is dismissed. No interference is warranted with the impugned order dated 24.08.2017 passed by Central Administrative Tribunal, Jabalpur Bench, Circuit Sitting at Bilaspur in O.A. No.203/00792/2015 since the order/orders granting promotion in breach of the ratio of the M. Nagraj case by the Railways cannot be sustained.

Sd/-

(Ajay Kumar Tripathi)
CHIEF JUSTICE

Sd/-

(Parth Prateem Sahu)
JUDGE

Anu