

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****WPS No. 4395 of 2018**

1. Union of India General Manager South East Central Railway Bilaspur, District-Bilaspur, Chhattisgarh.
2. Sr. Divisional Personnel Officer South East Central Railway, Bilaspur, Chhattisgarh
3. Divisional Railway Manager South East Central Railway, Bilaspur, Chhattisgarh.
4. Chief Personnel Officer South East Central Railway, Bilaspur, Chhattisgarh.

**---- Petitioners****Versus**

1. G. D. Choudhury (Loco Pilots Goods) S/o Late S.N. Das aged about 45 years R/o GAF/202, Sai Bhumi, P.O. Torwa, Bilaspur (C.G.)
2. R.B. Sahu (Loco Pilots Goods) S/o Late G.H. Sahu, Aged about 45 years, R/o F/No.313, Vaishali Tower, Shankar Nagar, Bilaspur (C.G.)
3. R.C. Kamal (Loco Pilot Goods) Under Chief Crew Controller, South East Central Railway, Bilaspur (C.G.)

**---- Respondents**


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|-----------------|---|------------------------------------------------------------------------------------|
| For Petitioners | : | Shri H.S. Ahluwalia, Advocate.                                                     |
| For Respondents | : | Shri Sanjeev Verma, Advocate appears on behalf of<br>Shri A.V. Shridhar, Advocate. |

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**Hon'ble Shri Ajay Kumar Tripathi, Chief Justice****Hon'ble Shri Justice Parth Prateem Sahu****Order on Board****Per Ajay Kumar Tripathi, Chief Justice****23.10.2018**

1. Heard 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. Lachmi 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 05.04.2018 passed by Central Administrative Tribunal, Jabalpur Bench, Jabalpur in O.A. No.203/295/2015 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**