

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 5089 of 2018**

1. Union of India Through Its General Manager, South East Central Railway, G.M. Office, Near Railway Station, Bilaspur - 495004 (C.G.)
2. Chief Personal Officer South East Central Railway, G.M. Office, Near Railway Station, Bilaspur - 495004 (C.G.)
3. Divisional Railway Manager (P) South East Central Railway, Raipur, Division (C.G.) - 492001
4. Sr. Divisional M.E., South East Central Railway, Raipur Division, Raipur, Chhattisgarh.

---- Petitioners

Versus

1. Sudarshan Dhari S/o Late Ramjee D.O.B. 18.03.1977, D.O.A.-07.01.2003, R/o Q. No. 2/b, Street No. 6, Zone-1, Sector 11, Bhilai - 490011, District : Durg, Chhattisgarh
2. Rajesh Kumar S/o Jogiram D.O.B. 16.06.1981, D.O.A.-11.09.2008, Mob. 9752491446, R/o Polot No. 5, Near Dongre Colony, Padum Nagar, Charoda, Bhilai - 490025, District- Durg, Chhattisgarh.
3. Shri Ram Pratap A.L.P. Employee No. 060T0859 Through Chief Crew Controller, BIA, Bhilai - 490006, District- Durg, Chhattisgarh.
4. Shri Sunil Kumar Chickkede ALP Employee No. 07K60715, Bhilai Marsheing Yard through Chief Crew Controller, BIA, Bhilai – 490006, District : Durg, Chhattisgarh
5. Shri Devendra Kumar Employee No. 07K60715, Bhilai Marsheing Yard Through Chief Crew Controller, BIA, Bhilai - 490006, District- Durg, Chhattisgarh.
6. Shri Arvind Kumar Employee No. 11AC657, Bhilai Marsheing Yard, Through Chief Crew Controller, BIA, Bhilai - 490006, District- Durg, Chhattisgarh.

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For Petitioners	:	Shri H.S. Ahluwalia, Advocate.
For Respondent	:	Shri Sanjeev Verma, Advocate appears on behalf of Shri A.V. Shridhar, Advocate.

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. 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 05.04.2018 passed by Central Administrative Tribunal, Jabalpur Bench, Jabalpur in O.A. No.200/1083/2017 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