

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.W.P. No. 30584 of 2018 (O&M)

Date of Decision: 03.12.2018

Union of India and ors.

.. Petitioners

vs.

Prabhjot Singh and another

....Respondents

Coram: Hon'ble Mr. Justice Rajiv Sharma
Hon'ble Mr. Justice Harinder Singh Sidhu

Present:- Mr. G.S. Bal, Sr. Advocate with
Mr. P.C. Goyal, Advocate
for the petitioners.

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Rajiv Sharma, J.

The petitioners have sought judicial review of the order dated 23.04.2018 rendered by the Central Administrative Tribunal, Chandigarh Bench, Chandigarh (hereinafter referred to as 'the Tribunal') in OA No. 060/00251/2017.

The brief facts necessary for the adjudication of the petition are that respondent No.1 was appointed in Group 'C' Category as TCR under Sports Quota on 28.05.1998. He received various awards/medals in different events at National level. This fact has not been disputed by the petitioners.

Para 9.4.1 under subject 'Out of Turn' promotion, reads as under:-

“First out of turn promotion, within Group-C may be given to the outstanding sports persons by the General Manager, subject to fulfilling the following criteria and acquiring the sports achievement, after joining the Railways.”

The case of the petitioners before the Tribunal was that the name of respondent No.1 was considered for promotion in regular manner. The case of the petitioners was also that respondent no.1 has not submitted any application for considering his case for out of turn promotion. This question is no more res integra in view of the judgment rendered by a Coordinate Bench of this Court in **Union of India and ors. vs. Mandeep Singh and another CWP No. 4406-CAT-2011** decided on 16.03.2011 upholding the judgment of learned Tribunal rendered in OA No.612-PB-2008 decided on 16.08.2010. The ratio of the judgment is that the application from the candidate to be considered for promotion is not at all necessary rather it was the duty of the General Manager to consider the case of the sportsperson under para no.9.4.1.

There is no irregularity or illegality in the impugned order.

Accordingly, the writ petition is dismissed.

(Rajiv Sharma)
Judge

(Harinder Singh Sidhu)
Judge

03.12.2018
Atul

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No