

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 1720 of 2019**

1. Union Of India Through The Secretary, Railway Board, Ministry Of Railways, Rail Bhawan, Raisena Road, New Delhi.- 110001
2. The General Manager South East Central Railway, New GM Building, Bilaspur, Chhattisgarh- 495004
3. Chief Personnel Officer South East Central Railway New GM Building, Bilaspur, Chhattisgarh.
4. Assistant Personnel Officer South East Central Railway New GM Building, Bilaspur, Chhattisgarh- 495004

---- Petitioners**Versus**

1. Kaushik Mukhopadhyay S/o Late A. K. Mukhopadhyay Aged About 60 Years Retd. Office Superintendent, South East Central Railway, Bilaspur, R/o Flat No.51, Zeenat Vihar Phase-Ii, Ganesh Nagar, Bilaspur, Chhattisgarh- 495001
2. Praveen Kumar S/o Shri Raja Ram Aged About 40 Years Posted As Chief Office Superintendent, Office Of The Chief Commercial Manager, South East Central Railway, Bilaspur, Chhattisgarh.- 495004

---- Respondents

For Petitioners	:	Shri H.S.Ahluwalia, Advocate.
For Respondents	:	None.

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

Order on Board**Per Ajay Kumar Tripathi, Chief Justice****13/03/2019**

1. Heard learned counsel for the Petitioners.
2. The issue raised in the present writ application has already been considered and decided by this Court in a similar matter being Writ Petition (S) No.4703 of 2018 in which the Court held as under:

"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.200/836/2016 since the order/orders granting promotion in breach of the ratio of the M. Nagraj case by the Railways cannot be sustained."

3. In light of the above, the writ application is dismissed. No interference is warranted with the impugned order dated 23.07.2018 passed by the Central Administrative Tribunal, Jabalpur Bench, Circuit Sitting Bilaspur, in Original Application No. 203/00804/2015 as also the order dated 14.12.2018 passed by the Tribunal in Review Application No. 203/00031/2018 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