
(2025) 11 CAT CK 0012

In the Central Administrative Tribunal, Principal Bench: New Delhi

Case No : Miscellaneous Application No. 4127 Of 2025 In Original Application
No. 2959 Of 2025

UOI And Ors

APPELLANT

Vs

Sandeep

RESPONDENT

Date of Decision : 20-11-2025

Acts Referred:

Constitution Of India, 1950 — Article 309

Citation : (2025) 11 CAT CK 0012

Hon'ble Judges : Manish Garg, Member (J); Dr. Anand S. Khatri, Member (A)

Bench : Division Bench

Advocate : Anil Singal, B C Nagar, A S Singh, Jyoti Garg

Final Decision : Disposed Of

Judgement

Manish Garg, Member (J)

1. In the Present Miscellaneous Application (M.A.), the applicants (original respondents) have prayed for the following reliefs:

"((i) Recall the order dated 06.08.2025 passed in O.A. No. 2959/2025 and/or modify the said order to the extent that the promotion orders to be issued shall remain subject to the final outcome of the O.A.

(ii) Pass such further order(s) or directions as this Hon'ble Tribunal may deem fit and proper in the interest of justice, equity, and good conscience."

2. Learned counsel for the applicants (original respondents) submitted that the present M.A. has been filed seeking recall or modification of the interim ex-parte order dated 06.08.2025 passed by this Tribunal in O.A. No. 2959/2025, pertaining to the selection for the post of Assistant Signal & Telecommunication Engineer (ASTE), Group 'B'. Vide order dated 06.08.2025, this Tribunal, while issuing notice, restrained the respondents from issuing any promotion orders. The said order was passed ex-parte, without affording the respondents an

opportunity of hearing.

2.1. Learned counsel further submitted that the viva-voce for 29 vacancies of ASTE (SC-6, STT-1, UR-22) was held between 06.08.2025 and 08.08.2025, and the panel of selected candidates was issued on 11.08.2025. However, in view of the interim stay, the promotion orders could not be issued.

2.2. Learned counsel argued that the associated O.A. itself is not maintainable, as the applicant therein has no vested right in the selection process beyond participation and has also not impleaded the selected candidates who are likely to be affected by the outcome of the associated O.A.

2.3. Learned counsel further argued that the ex-parte interim order has resulted in administrative hardship, as the Railway is facing acute shortage of officers at various field units, thereby affecting the functioning and safety of train operations.

2.4. Learned counsel pointed out that coordinate benches of this Tribunal, in similar matters relating to selections for Assistant Commercial Manager, AEE, and AEN (Group 'B'), have permitted issuance of promotion orders subject to the final outcome of the respective O.As., rather than staying them completely.

2.5. Concluding the arguments, learned counsel submitted that the interim ex-parte stay order dated 06.08.2025 has caused administrative inconvenience, and therefore, the same deserves to be recalled or modified so as to permit issuance of promotion orders subject to the final decision in the O.A.

3. Learned counsel for the respondent (original applicant) submitted that the interim order dated 06.08.2025 has been rightly passed and warrants no recall or modification, as the impugned Railway Board Circular RBE No. 10/2025 dated 03.02.2025 unlawfully seeks to supersede the statutory provisions contained in paras 204.8 and 204.9 of the IREM, which have been framed under Article 309 of the Constitution and, therefore, cannot be modified or overridden through administrative instructions. Placing reliance on the judgments of the Hon'ble Supreme Court in *Prabhat Ranjan Singh v. R.K. Kushwaha & Ors.*, (2019) 17 SCC 132, and *Union of India v. Mange Lal*, (2019) 14 SCC 654, learned counsel submitted that the Apex Court has categorically held that executive instructions cannot override or supplant statutory rules. It was further contended that the interim protection granted by this Tribunal is in consonance with the order passed by the Jabalpur Bench in O.A. No. 644/2025 in identical circumstances and was necessary to prevent prejudice to the applicant; hence, the stay granted is just, equitable, and calls for no interference.

4. ANALYSIS :

4.1. We have carefully considered the rival submissions advanced by the learned counsel for both sides and perused the material placed on record. The limited question for consideration in the present M.A. is whether the interim order dated 06.08.2025 restraining the issuance of promotion orders requires to be

continued, recalled, or suitably modified.

4.2. It is an undisputed fact that the interim order was passed ex-parte and that the selection process for the post of Assistant Signal & Telecommunication Engineer (Group 'B') has already been completed, and the final panel of selected candidates was issued on 11.08.2025. The only impediment to issuance of promotion orders is the subsisting interim stay. It is also not in dispute that similar promotion processes in other cadres have been permitted to proceed, subject to the final outcome of the respective Original Applications.

4.3. While the contentions raised on behalf of the respondent (original applicant) regarding the validity of the Railway Board Circular RBE No. 10/2025 shall be examined at the stage of final hearing of the O.A., the continuation of the blanket stay on promotions, in the meanwhile, would cause administrative inconvenience and affect the efficiency of railway operations. The interest of justice would, therefore, be adequately protected if promotions are allowed to be made, subject to the outcome of the associated O.A.

5. CONCLUSION :

5.1. In view of the foregoing discussion and considering the facts and circumstances of the case, we dispose of the present M.A. by directing the applicants (original respondents) to proceed with the issuance of promotion orders in respect of the empanelled candidates for the post of Assistant Signal & Telecommunication Engineer (Group 'B'), in accordance with the panel already finalized. However, in order to safeguard the interest of the applicant in the associated O.A., it is directed that one post out of the 29 vacancies shall be kept vacant until final adjudication of the associated O.A.

5.2. The promotion orders issued pursuant to aforesaid direction shall clearly stipulate that they are subject to the final outcome of O.A. No. 2959/2025, and any consequential action, if required, shall abide by the decision rendered therein.

5.3. The interim order dated 06.08.2025 is accordingly modified to the above extent. No order as to costs.