



2026:CGHC:9335-DB



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 1938 of 2026**

Vandna Shukla D/o Shri Kirti Vardhan Bajpai, Aged About 44 Years, R/o Quarter No. 12/2, Old Railway Colony, Korba, C.G., Pin 495677.

--- Petitioner(s)**versus**

1 - Union of India Through General Manager (GM), South Eastern Central Railway, Bilaspur, Chhattisgarh 495001.

2 - Divisional Railway Manager (DRM), South Eastern Central Railway, Bilaspur, Chhattisgarh.

3 - Sr. Divisional Personnel Officer, Personnel Department, Divisional Railway Manager Office, South Eastern Central Railway, Bilaspur, Chhattisgarh.

4 - Divisional Commercial Manager-I Office of the Sr. Divisional Commercial Manager, DRM Complex, South Eastern Central Railway, Bilaspur, Chhattisgarh.

5 - Assistant Personnel Officer III, Personnel Department, Divisional



--- Respondent(s)

(Cause Title downloaded from CIS Periphery)

For Petitioner(s) : Mr. Vivek Chopda, Advocate

For Respondent(s) : Mr. Ramakant Mishra, DSGI along with Mr.
Neeraj Baghel, Advocate

**DB: Hon'ble Mr. Justice Sanjay Agrawal &
Hon'ble Mr. Justice Amitendra Kishore Prasad**

Order on Board
23/02/2026

Amitendra Kishore Prasad, J.

1. By way of this petition, the petitioner seeks to challenge the order dated 30.1.2026 passed by the Central Administrative Tribunal, Jabalpur (hereinafter referred to as "the CAT, Jabalpur") in Original Application No.85/2026. By the impugned order, the CAT, Jabalpur has dismissed the application of the petitioner for interim relief seeking a stay on the operation of the order dated 30.12.2025 passed by the Assistant Personal Officer-III, Personnel Department, Divisional Railway Manager Office, South Eastern Central Railway, Bilaspur (CG), whereby, 26 Railway employees were promoted to the post of CCTS and posted to their respective stations.
2. The petitioner has prayed for the following reliefs in the petition :

10.1 Any order may be issued directing the learned
Tribunal to produce all the records before this Hon'ble



Court pertaining to this matter.

10.2 Allow the present petition, quash and set aside the Impugned Order dated 30.01.2026 (Annexure-P/7) passed by the learned Central Administrative Tribunal, Jabalpur, M.P. in O.A. No. 85/2026 whereby the interim relief as prayed for by the petitioner has been rejected by the learned tribunal and consequently allow the interim relief prayed by the petitioner in its Original Application (O.A. No. 85/2026) and stay the effect and operation of Office Order-DPB/1201/2025 dated 30.12.2025 passed by the Assistant Personal Officer-III, Personnel Department, Divisional Railway Manager Office, Bilaspur till final disposal of the OA by the learned Tribunal.

10.3 Any other relief which this Hon'ble Court may deem fit in the facts & circumstances of the case.

10.4 Cost of the petition may also be awarded.

3. The petitioner has preferred OA No.85/2026 before the CAT, Jabalpur, assailing the aforementioned order dated 30.12.2025. The petitioner's primary contention is that as per the governing rules, promotion must be based on the principle of 'seniority-cum-merit'. However, the Respondent-Railways, in disregard of this mandate, conducted the promotion process on the basis of 'merit-cum-seniority' which is directly contrary to Notification No.214/25. The reliefs sought in the said Original Application read as follows :



8.1 That this Hon'ble Tribunal may be pleased to call the entire records pertaining to the case of the applicant.

8.2 That this Hon'ble Tribunal may be pleased to Quash and set aside the impugned Office Order- DPB/1201/2025 dated 30.12.2025 (Annexure-A/3) issued by the Assistant Personal Officer-III, Personnel Department, Divisional Railway Manager Office, South Eastern Central Railway, Bilaspur, C.G.;

8.3 That this Hon'ble Tribunal may be pleased to Declare that the Applicant is entitled to be in the panel for promotion as Chief Commercial cum Ticket Supervisor in Pay Matrix Level-6;

8.4 Pass any other order or direction deemed fit in the interest of justice.

8.5 Cost of the petition be awarded to the applicants.

4. In the said Original Application, the interim relief was also prayed for, which reads as follows :

In view of the above facts and grounds, the Applicant respectfully prays that this Hon'ble Tribunal may be pleased to stay the effect and operation of Office Order- DPB/1201/2025 dated 30.12.2025 passed by the Assistant Personal Officer-III, Personnel Department, Divisional Railway Manager Office, Bilaspur till final disposal of this OA by this Hon'ble Court.

5. During the hearing of the interim application, the CAT, Jabalpur passed the following order on 30.1.2026, after considering the



submissions advanced by Counsel for the petitioner :

“....We have considered the matter on the prayer for grant of interim relief.

As per notification no. 214/2025 it is clearly stipulated that the panel will be drawn after scrutiny of Service Record and APARS of the persons qualifying the CBT. Merely on qualifying the CBT and seniority, position in the panel cannot be secured as there are other conditions to be examined. Further vide office order dated 30.12.2026 (Annexure A/3), panel has already been prepared.

Accordingly, we do not find any merit in the contention of the applicant for grant of interim relief.

Hence the prayer of the applicant for grant of interim relief is hereby rejected.

Reply be filed within four weeks.

List this matter for further consideration on 24.03.2026.”

After rejection of the aforementioned interim application, the petitioner has preferred the present Writ Petition challenging the impugned order dated 30.1.2026. This challenge is based, inter alia, on the contention that the impugned order was not passed in accordance with law.

6. Mr. Vivek Chopda, learned counsel for the petitioner submits the CAT, Jabalpur has committed an error of law by failing to entertain the interim application and declining to stay the effect and operation of the order dated 30.12.2025. He submits that the said order promoted 26 Railway employees to the post of CCTS on ‘merit-cum-seniority’ basis, which is in direct violation of Notification No.214/2025, as the Notification prescribes the criteria for promotion as ‘seniority-cum-merit’. He submits that



since the error is apparent on the face of the record, the dated 30.12.2025 having been passed in contravention of the subject Notification, the CAT, Jabalpur ought to have stayed the effect and operation of the said order. He further submits that failure to grant such a stay will result in irreparable loss to the petitioner. Hence, learned counsel for the petitioner prays to allow the petition.

7. On the other hand, Mr. Ramakant Mishra, learned DSGI appearing for the Respondent/Railways submits that the present petition filed against the interim order dated 30.1.2026 is not maintainable. He submits that the matter is presently subjudice before the CAT, Jabalpur, where it is pending for filing of a reply and subsequent hearing. He also submits that the petitioner has not impleaded the affected parties in whose favour rights have already accrued, therefore, the Original Application itself is not maintainable due to the non-joinder of necessary parties. He further submits that the matter is yet to be adjudicated on merits. In the event the petitioner establishes a case in his favour, the concerned Tribunal will pass appropriate orders in this respect. However, seeking interim relief and subsequently filing a Writ Petition upon its refusal is not the proper recourse. Learned DSGI for the respondent/Railways lastly submits that at this preliminary stage, the CAT, Jabalpur, correctly assessed the prima facie case and balance of convenience and thus, its rejection of interim relief warrants no interference.

8. We have heard learned counsel for the parties and also perused



the pleadings and the documents appended to the petition carefully.

9. From a perusal of the record, it appears that the order dated 30.12.2025 was passed in favour of 26 Railway employees, who were then working as Senior Commercial Cum Ticket Clerk. These individuals were found suitable for promotion and empanelled for the post of Chief Commercial Clerk cum Ticket Supervisor (CCTS) {Pay Matrix Level-6}. The said order directed their promotion with immediate effect and their subsequent posting at various locations across the Railway administration. Furthermore, the reliefs sought in the Original Application clearly show that the petitioner is challenging the promotion on its merits, contending that the promotion order was issued in contravention of Notification No.214/2025, which mandates the criteria of 'seniority-cum-merit' rather than 'merit-cum-seniority'.
10. In the matter of **B.V. Sivaiah and Others v. K. Addanki Babu and Others**, reported in **(1998) 6 SCC 720**, the Hon'ble Supreme Court held in paragraphs 18 and 37 as under:-

18. We thus arrive at the conclusion that the criterion of "seniority-cum-merit" in the matter of promotion postulates that given the minimum necessary merit requisite for efficiency of administration, the senior, even though less meritorious, shall have priority and a comparative assessment of merit is not required to be made. For assessing the minimum necessary merit, the competent authority can lay down the minimum standard that is required and also prescribe the mode of assessment of merit of the

employee who is eligible for consideration for promotion. Such assessment can be made by assigning marks on the basis of appraisal of performance on the basis of service record and interview and prescribing the minimum marks which would entitle a person to be promoted on the basis of seniority-cum-merit.

37. During the course of hearing of the appeal, the learned counsel for the respondent-Bank has placed before us the relevant documents relating to the impugned selection and promotion. On a perusal of the said documents, we find that 50 marks out of the total of 100 marks were prescribed as the minimum qualifying marks for interview and only those who had obtained the qualifying marks in interview were selected for promotion on the basis of seniority. It was, therefore, a case where a minimum standard was prescribed for assessing the merit of the candidates and those who fulfilled the said minimum standard were selected for promotion on the basis of seniority. In the circumstances, it cannot be said that the selection has not been made in accordance with the principle of “seniority-cum-merit”. We are, therefore, unable to uphold the impugned judgment of the High Court. The appeal has to be allowed and the impugned judgment of the High Court dated 7-2-1997 passed by the learned Single Judge of the High Court has to be set aside and the promotion of the appellant on the post of Area/Senior Manager under order dated 8-4-1993 has to be affirmed.

11. In the matter of **Rajendra Kumar Srivastava and Others v. Samyut Kshetriya Gramin Bank and Others**, reported in (2010) **1 SCC 335**, the Hon’ble Supreme Court held in paragraphs 11 to



14 as under:-

11. It is also well settled that the principle of seniority-cum-merit, for promotion, is different from the principle of “seniority” and the principle of “merit-cum-seniority”. Where promotion is on the basis of seniority alone, merit will not play any part at all. But where promotion is on the principle of seniority-cum-merit, promotion is not automatic with reference to seniority alone. Merit will also play a significant role. The standard method of seniority-cum-merit is to subject all the eligible candidates in the feeder grade (possessing the prescribed educational qualification and period of service) to a process of assessment of a specified minimum necessary merit and then promote the candidates who are found to possess the minimum necessary merit strictly in the order of seniority. The minimum merit necessary for the post may be assessed either by subjecting the candidates to a written examination or an interview or by assessment of their work performance during the previous years, or by a combination of either two or all the three of the aforesaid methods. There is no hard-and-fast rule as to how the minimum merit is to be ascertained. So long as the ultimate promotions are based on seniority, any process for ascertaining the minimum necessary merit, as a basic requirement, will not militate against the principle of seniority-cum-merit.

12. In *Sivaiah* [(1998) 6 SCC 720 : 1998 SCC (L&S) 1656] , a three-Judge Bench of this Court held that while the principle of seniority-cum-merit laid greater emphasis on seniority, the principle of merit-cum-seniority laid greater emphasis on merit and



ability, with seniority playing a less significant role. This Court held: (SCC p. 730, para 18)

“18. We thus arrive at the conclusion that the criterion of ‘seniority-cum-merit’ in the matter of promotion postulates that given the minimum necessary merit requisite for efficiency of administration, the senior, even though less meritorious, shall have priority and a comparative assessment of merit is not required to be made. For assessing the minimum necessary merit, the competent authority can lay down the minimum standard that is required and also prescribe the mode of assessment of merit of the employee who is eligible for consideration for promotion. Such assessment can be made by assigning marks on the basis of appraisal of performance on the basis of service record and interview and prescribing the minimum marks which would entitle a person to be promoted on the basis of seniority-cum-merit.”

13. Thus it is clear that a process whereby eligible candidates possessing the minimum necessary merit in the feeder posts is first ascertained and thereafter, promotions are made strictly in accordance with seniority, from among those who possess the minimum necessary merit is recognised and accepted as complying with the principle of “seniority-cum-merit”. What would offend the rule of seniority-cum-merit is a process where after assessing the minimum necessary merit, promotions are made on the basis of merit (instead of seniority) from among the candidates possessing the minimum necessary merit. If the criteria adopted for assessment of minimum necessary merit is bona fide and not unreasonable,



it is not open to challenge, as being opposed to the principle of seniority-cum-merit. We accordingly hold that prescribing minimum qualifying marks to ascertain the minimum merit necessary for discharging the functions of the higher post, is not violative of the concept of promotion by seniority-cum-merit.

14. The next question is whether fixing of 78% as minimum qualifying marks (that is, as the minimum necessary merit) is unreasonable and arbitrary. The Rules in this case provide that the mode of selection is by interview and assessment of performance reports for the preceding three years as officer Scale I. The seniority list of officers in Scale I was published on 4-12-1996. Thereafter, the promotion process was held by earmarking 60 marks for assessment of performance reports (at the rate of 20 marks per year) and 40 marks were allotted for interview. The officers possessing the minimum qualifying marks of 78%, were then promoted on the basis of seniority. What should be the minimum necessary merit for promotion, is a matter that is decided by the management, having in mind the requirements of the post to which promotions are to be made. The employer has the discretion to fix different minimum merit, for different categories of posts, subject to the relevant rules. For example, for promotions at lower levels, it may fix lesser minimum qualifying marks and fix a comparatively higher minimum qualifying marks for higher posts.

12. The aforesaid cases were decided on merits after complete adjudication of the matter and as such, they are distinguishable



from the facts of the present case.

13. Recently, in the matter of **Union of India & Ors. vs. B Srinivasa**

Rao & Ors. in WPC No.2019/2026, the High Court of Delhi at New Delhi held the following in paragraphs 8, 10, 11, 12, 13, 14 and 16:-

8. The principal question which arises for consideration is whether the Tribunal was justified in passing an ad-interim order restraining the Petitioners from posting juniors to the Respondents and directing consideration of the Respondents' cases in a particular manner.

10 While exercising the power of judicial review, a Court or Tribunal does not sit as an appellate authority over administrative decisions. The power is supervisory in nature. The Court must remain conscious of the limitations inherent in such jurisdiction and must avoid substituting its own view for that of the competent authority in matters of administrative discretion.

11. The Tribunal, though vested with wide powers under the Administrative Tribunals Act, 1985, exercises jurisdiction akin to that of judicial review in service matters. It is not expected to pass orders which have the effect of regulating or controlling day-to-day functioning of government departments, particularly at an interlocutory stage, unless a clear case of illegality or manifest arbitrariness is made out.

12. A perusal of the Impugned Order reveals that the Tribunal, at the threshold stage and without a detailed examination of the policy framework or the factual matrix, proceeded to restrain the Petitioners from posting juniors to the Respondents against the



vacancies in question. Such a restraint, even if described as ad-interim, has the effect of interdicting the administrative process of consideration and posting.

13. An interim order is ordinarily intended to preserve the status quo or to prevent irreparable injury pending adjudication. However where the interim direction virtually grants the substantive relief sought in the original application or significantly impedes administrative discretion, greater circumspection is required.

14. In the present case, the Tribunal had already directed consideration of the Respondents' representations in the earlier proceedings. The administrative process was thus underway. In such circumstances, the issuance of a further restraint order affecting postings, without awaiting the outcome of the representation or a comprehensive hearing on merits, does not appear to be in consonance with the settled parameters governing judicial review in service matters

16. This Court is of the considered view that the Tribunal, while exercising its jurisdiction, ought to have been slow in granting an ad- interim order which effectively curtails the discretion of the competent authority in matters of posting and impacts day-to-day administration.”

14. Reverting to the facts of the present case, admittedly, the CAT, Jabalpur declined to stay the effect and operation of the order dated 30.12.2025, observing that upon a perusal of the Notification, it is apparent that the promotion order was passed after thorough scrutiny of service records and APARs of those



individuals who qualified in the CBT. The Tribunal further held that merely qualifying the CBT and possessing seniority does not automatically secure a position in the panel, as there are other prescribed conditions to be examined. Noting that the panel had already been prepared (vide the order dated 30.12.2025), the Tribunal, by way of its impugned order dated 30.1.2026, rejected the interim application. The matter has since been posted for filing of reply by the Railways and is currently listed for further consideration on 24.3.2026. At this stage, the contention raised by learned counsel for the petitioner to invoke the jurisdiction of this Court under Article 226 of the Constitution of India to interfere with the interim order passed by the CAT, Jabalpur is devoid of merit. As the matter is pending before the CAT for adjudication, any intervention by this Court at this juncture would be premature and might prejudice the final decision of the case.

15. Moreover, the matter is yet to be considered on merits. The Tribunal is presently seized of the matter and is yet to evaluate the complete pleadings, including the reply and rejoinder. The impugned order is merely a refusal to grant an interim stay. Crucially, rights have already accrued in favour of about 26 individuals, who have not been impleaded as parties before the CAT, Jabalpur or this Court. Passing any order at this stage would prejudicially affect the rights of these third parties without affording them an opportunity to be heard.
16. In light of the foregoing discussion, this Court does not find any patent illegality or infirmity in the impugned order that would



warrant interference under its extraordinary writ jurisdiction.

17. Needless to say, this Court has not made any observation on the merits of the case. However, it is observed that upon completion of the pleadings, the CAT, Jabalpur shall afford a due opportunity of hearing to all the parties concerned and decide the matter on its own merits in accordance with law. Further, the parties are at liberty to move an application before the CAT, Jabalpur for expeditious disposal of the Original Application, which the Tribunal may consider in accordance with law.
18. With these observations/directions, the Writ Petition stands disposed of.

Sd/-

(Sanjay Agrawal)
Judge

Sd/-

(Amitendra Kishore Prasad)
Judge

Shyna Ajay