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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.2247 of 1999

New Delhi, this 3rd day of April, 2000

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)  
Hon'ble Smt. Shanta Shastri, Member(A)

1. Vijender Kumar  
S/o Shri Gulab Chand Mishra  
R/o H.No.109/2, Railway Colony  
Thomson Road  
New Delhi-110002.

2. Smt. Kamlesh Kumari  
D/o late Shri Barbans Lal  
R/o H.No.D-527, Chanderlok Colony  
Shahdara, Delhi-110032.

3 Kirpa Shankar Choubey  
S/o Shri Baldev Choubey  
R/o H.No.K-157, Sector-9  
Vijay Nagar  
Ghaziabad (U.P.)

... Applicants

(By Shri Surinder Singh, Advocate - not present)  
(Shri V.P.S.Tyagi, proxy is present)

versus

1. The Union of India, through  
The General Manager(P)  
Northern Railway Headquarters  
Baroda House, New Delhi-110001.

2. The F.A. & C.A.O.  
Northern Railway Headquarters  
Baroda House,  
New Delhi-110001.

... Respondents

(By Shri P.L.Mimroth, Advocate - not present)  
(Shri Ajesh Luthra, proxy is present)

ORDER(oral)

By Reddy, J.

The only question that has arisen for consideration in this case is whether the applicants are entitled for promotion to the post of Office Superintendent Grade-II. The applicants are working as Head Clerks in the office of the General Manager, Northern Railway. One Shri Jethanand who was admittedly senior to the applicant was promoted to the said post of

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Officer Superintendent Grade-II by order dated 19.7.1999, but he refused the promotion. The grievance of the applicants is, therefore, that they being the next in rank, are entitled for promotion to the post of Office Superintendent Grade-II.

2. It is the case of the respondents that there was ~~one~~ post vacant of Office Superintendent Grade-II and for <sup>the</sup> said post, written test was held on 11.11.1998 in which Shri Jetha Nand had appeared and he was declared qualified for viva voce test. Subsequently, Shri Jethanand was empanelled. After placing of Shri Jethanand on the panel of Office Superintendent Grade-II, he refused promotion initially. In terms of P.S.No.6211 promotion cannot be refused after passing selection and empanelment, Shri Jethanand had requested for promotion for the said post, withdrawing his request of refusal to be promoted. Accordingly his case was considered by the competent authority and he was promoted by an order dated 12.11.1999.

3. In view of the above averments it is clear that as there was only one post vacant and the same has been filled by a duly selected person namely, Shri Jethanand and there are no posts vacant for promotion to the aforesaid post,

CRA

3. (2)

the plea of the applicants for promotion cannot be countenanced. The OA therefore fails and is accordingly dismissed. No costs.

*Shanta Shastri*  
(Mrs. Shanta Shastri)  
Member(A)

*V. Rajagopala Reddy*  
(V. Rajagopala Reddy)  
Vice Chairman(J)

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