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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A. NO.2437/1999

New Delhi this the 12th day of March, 2001.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI GOVINDAN S. TAMPI, MEMBER (A)

1. Shri Bhoor Dutt S/o Shri Prem Lal  
R/o Village Ateli  
Post: Gokulpur  
Distt. Mahendra Garh (Haryana)
2. Shri Nathu S/o Shri Matadin  
R/o Village Asadpur  
P.O. Atali Mandi  
Distt. Mahendar Garh  
(Haryana )

... Applicants

(By Shri T.D. Yadav, Advocate)

vs.

1. Union of India through  
the General Manager  
Western Railway  
Churchgate, Bombay.
2. The Divisional Railway Manager  
Jaipur Division  
Western Railway  
Jaipur.
3. The Path Way Inspector, Ateli  
Jaipur Division,  
Western Railway  
Ateli (Haryana)
4. Shri Birbal S/o Shri Bhura  
Gang No.3, Dablas Sihana Station  
to be served through  
PWI Railway Station Ateli,  
Haryana.
5. Shri Munshi Lal S/o Har Chand  
Kund Station Gang No.4  
to be served through  
PWI Railway Station Ateli  
(Haryana)
6. Shri Duli Chand S/o Shri Sokran  
Gangman-3, Poly Station  
to be served through  
PWI Railway Station Ateli  
Haryana.

... Respondents

(By Advocate Shri R.L.Dhawan)

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O R D E R (ORAL)

Shri Govindan S.Tampi:-

In this application, the two applicants have challenged denial of promotion to them to the post of Mate. Both of them had joined as casual labour during October 1960, became Gangman in January 1965 and Keyman in 1994 and 1997. They have sought promotion to the post of Mate based on the selection held in 1997 which was denied to them. In the selection held in 1999 also their claims were not considered though a few persons junior to them were given promotions to the aforesaid post of Mate. According to Shri T.D. Yadav, learned counsel, this was an injustice meted out to them which had to be undone.

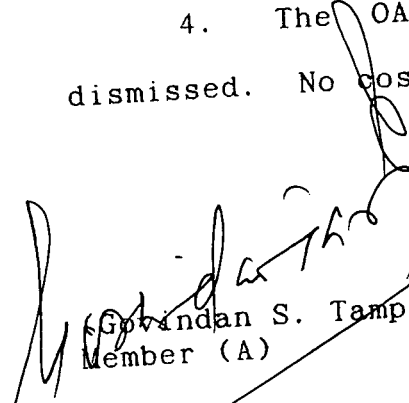
2. Contesting the above, Shri R.L.Dhawan, learned counsel for the respondents, points out that this is not a case where the applicants were denied chances of promotion but they were found not to have made the grade in the selection held in 1997. In the subsequent selection held in 1999, their case was not considered and correctly so as the vacancy was meant for the Scheduled Caste category alone whereas the applicants belonged to the General/OBC category. Action taken by the respondents was correct and there was no case for any interference by the Tribunal, argues Shri Dhawan.

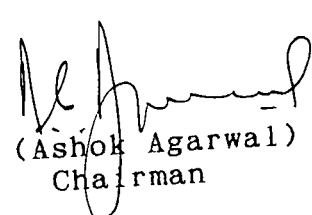
3. We have carefully considered the matter.

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Applicants have sought to make out a case that they were wrongly denied the promotion, but the facts were otherwise. In the selection held in 1997, both applicants were called for the trade test and the interview for promotion to the grade of Mate but they did not make the grade. What the applicants can claim is only a right for consideration and not promotion per se, as of right. They were tried in the selection held in 1997 but were not found fit for promotion. They were, naturally not appointed. In the 1999 selection, they were not considered as the vacancy was meant to be filled by a candidate from Scheduled Caste category to which category, the applicants did not belong. Therefore, the respondents were justified in not considering the case of the applicants for promotion. The action of the respondents was correct. There is no reason for the Tribunal to interfere in it.

4. The OA being totally devoid of merit is dismissed. No costs.

  
(Govindan S. Tampi)  
Member (A)

  
(Ashok Agarwal)  
Chairman