

809

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

OA No. 2066/95

New Delhi: this the 20th day of July, 2000.

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A)

HON'BLE MR. KULDIP SINGH, MEMBER (J)

Shri D. C. Misra,
S/o Shri N. K. Misra,
Station Superintendent,
Northern Railway,
Tundla.

R/o 43 ABC, Station Road,
Railway Colony,
Tundla.

.....Applicant

(By Advocate: Shri B. L. Madhok)

Versus

Union of India
through

1. The General Manager,
Northern Railway,
Baroda House,
New Delhi.

2. The Div'l Rly. Manager,
Northern Railway,
Allahabad.

.....Respondents

(By Advocate: Shri H. K. Gangwani)

ORDER

Mr. S. R. Adige, VC (A):

Applicant impugns respondents' order dated 11/12/1995 (Annexure-A/1) and is aggrieved by his non-promotion to Group 'B' post in the Operating Department against 70% vacancies for the year 1995-96.

2. Heard.

3. Admittedly promotion is through selection.

Applicant does not deny in the corresponding para of his rejoinder, the specific averment of respondents in para 4.7 of their reply as to the various penalties inflicted upon him because of ^{the} indifferent quality of his work.

4. Under the circumstance, if during selection,



applicant was duly considered, but not found fit for promotion because of the indifferent quality of his work, it cannot be said that respondents' decision not to promote him is illegal, arbitrary or violative of Articles 14 and 16 of the Constitution.

5. The OA is dismissed. No costs.

Kuldeep Singh
(KULDIP SINGH)
MEMBER(J)

Amolagi
(S.R. ADIGE)
VICE CHAIRMAN (A).

/ug/