

Central Administrative Tribunal
Principal Bench

O.A. No. 10 of 2000

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New Delhi, dated this the 22nd AUGUST, 2001

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Sushila Rani,
W/o Shri RaghubirChand,
Head Clerk/Bill Section,
D.R.M's office,
Northern Railway,
New Delhi.

.. Applicant

(By Advocate: Shri G.D. Bhandari)

Versus

1. Union of India through
the General Manager,
Northern Railway,
Baroda House,
New Delhi.

2. The Divisional Railway Manager,
Northern Railway,
State Entry Road,
New Delhi.

.. Respondents

(None appeared)

ORDER

S.R. ADIGE, VC (A)

Applicant impugns respondents' order dated 30.11.99 (Ann. A-1) rejecting her representation for promotion as Office Superintendent-II by a non-speaking order. She seeks promotion as O.S. II with consequential benefits.

2. Admittedly the post of O.S. II is a selection post to be filled up from the feeder grade of Head Clerk through written test/interview.

3. Applicant appeared in the written test for the above post held on 15.3.97 and 22.3.97 and

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qualified for the viva voce vide letter dated 29.7.97 (Ann. A-5). There were two vacancies of O.S. II one in general category and one in SC category, and after the viva voce was held on 19.8.97 she was not successful in being appointed, as is clear from respondents' letter dated 1.9.97 (Ann. R-1).

4. She appeared a second time in the selection conducted in 1999. She was the senior most in the list of Head Clerks and qualified in the written test held on 15.5.99 and 21.6.99 as is clear from respondents' letter dated 27.8.99 (Ann. A-9) but again after the viva voce, could not be placed on the panel which was notified on 13.10.99.

5. Admittedly the post is a selection post, and applicant is competing against others for the available vacancies. Applicant has no enforceable legal right to be promoted. She has only a legal right to be considered for promotion and admittedly she was considered. No foundation have been laid to enable us to doubt the fairness of the selections.

6. In this connection we are informed that applicant is to retire shortly. In case fresh selections for the post of O.S. II are held before applicant retires on superannuation, and applicant appears for the same, we trust that respondents will

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not lose sight of applicant's imminent retirement when holding the selections. The O.A. is disposed of accordingly. No costs.

A-Vedavalli

(Dr. A. Vedavalli)
Member (J)

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S.R. Adige

(S.R. Adige)
Vice Chairman (A)