

(11)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O. A. NO. 1419/89

New Delhi this the 8th day of April, 1994

CORAM :

THE HON'BLE MR. JUSTICE V. S. MALIMATH, CHAIRMAN
THE HON'BLE MR. P. T. THIRUVENGADAM, MEMBER (A)

Moti Ram S/O Agan Swaroop,
Asstt. Superintendent
(Pay Bill Section),
DRM's Office, Northern
Railway, Moradabad (U.P.) ... Applicant

By Advocate Shri Mahesh Srivastava

Versus

1. Union of India through its
General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. Divisional Railway Manager,
Northern Railway,
Moradabad (U.P.)
3. The Divisional Personnel
Manager, Moradabad. ... Respondents

None for the Respondents

O R D E R (ORAL)

Hon'ble Mr. Justice V. S. Malimath -

The petitioner has questioned the circular dated 30.6.1989 by which it is informed that an examination would be held for the purpose of considering suitability for promotion. The petitioner has prayed in this application that the circular Annexure-C dated 27.1.1986 be harmoniously construed so as to govern the subject matter of the impugned circular. Annexure-C is an order by which a one-time exemption has been granted in the Ministerial cadre of Headquarters Division exempting the written test for the category of Assistant Superintendents in the grade of Rs.550-750 (RS). It is

not a general circular for application governing all future situations. The language of the circular makes it clear that it is a one-time exemption granted from written test. The life of the same is restricted to that situation in the year 1986. Obviously, it cannot govern the subsequent promotions in the respective Divisions. The question of harmonious construction does not arise. As it is an order regarding one-time exemption, the petitioner cannot say that he is also entitled to the benefit of the same. Exemption is a deviation from the normal rules which can be justified having regard to the relevant facts and circumstances. It does not confer any right on others for similar exemption on future occasions.

2. We, therefore, see no good grounds to interfere. This application fails and is dismissed. No costs.

P. T. Thiruvengadam

(P. T. Thiruvengadam)
Member (A)

V. S. Malimath

(V. S. Malimath)
Chairman

/as/