CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.2501/89

New Delhi, this the 13th Day of May, 1994.

HON'BLE SHRI J.P. SHARMA, MEMBER (J)
HON'BLE SH RI B.K. SINGH, MEMBER (A)

Shri Fauj Singh,
250, Type I, Mirdard Road,
M A M College Campus
New Delhi ....Applicant

Advocate :Shri M.P. Raju, Proxy Counsel for
Jose P. Verghese.

VERSUS

1. Union of India, through its
Chairman,
Ministry of Railways
Railway Board,
Rail Bhawan
NEW DELHI.

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

3. Shri Sarvjeet Kumar
Cond/MB
C/o General Manager,
Northern Railway
Baroda House,
NEW DELHI. ...Respondents

Advocate : None

ORDER (Oral)

HON'BLE SHRI J.P. SHARMA, MEMBER (J)

The applicant earlier filed civil suit no.500 of 1989 in the Court of Munsif, City Bareilly which was later on transferred to the Tribunal, Allahabad Bench, registered as TA-474/87. The issue in that civil suit was that the applicant was ignored for promotion to the post in the scale of Rs.700-900 whereas one Sarvjeet Kumar was Conductor and belong to one of the feeder services to the said post was promoted w.e.f. 1-1-84. In that suit, he also alleges that in the combined seniority list pertaining to the Conductors/Senior Ticket Examiners and Head Ticket Examiners. The

applicant has been assigned his due seniority at sr. no.11 while said Sarvjeet Kumar was given seniority at sr. no.15. In view of this, it was contended in that suit that he should have also been considered for promotion to the scale of Rs.700-900 like Sarvjeet Kumar. That O.A. was decided by the order dated 8-4-88 whereby direction was issued to the respondents to also consider the applicant and pass appropriate orders.

2. The applicant filed the present application on 16-8-89 in which he also prayed for promotion to the grade of Rs.700-900 w.e.f. 1-1-84 and claim all the consequential benefits of arrears of pay and other allowances with 18 per cent interest per annum.

3. The respondents did not respond to the notices issued time and again and no reply has been filed on their behalf.

4. Shri M.P. Raju appears as proxy for Shri J.P. Verghese for the applicant. The learned counsel is not aware about the latest position and he stated that though communication was addressed to the applicant but the counsel did not receive any response. He also desired adjournment but seeing to the case being old, we are not inclined to grant any adjournment in this case.

5. We have gone through the pleadings and heard the learned counsel for the applicant. The contention of the learned counsel is that the respondents inspite of the representations made after the decision in the earlier O.A. in April, 1988, the respondents have not considered the applicant for promotion. The main question is that when once a relief has already been granted, the applicant cannot come for the same relief

second time. By the earlier judgment of April, 88, the respondents were directed to consider the applicant for promotion to the grade of Rs.700-900. If the applicant was duly considered, the only remedy open to the applicant was to move the contempt petition so that the respondents may be brought to book if they had not complied with the directions of the Tribunal. Since the respondents have not appeared, it is not apparent whether till today the applicant has been considered or not. In the fitness of things, we cannot also make any direction as the case is already covered by the earlier direction. The Tribunal cannot grant a promotion which is exclusively the doman of administration. The Tribunal can only direct consideration of a person who has been ignored and was due and eligible for the promotional post. If the applicant was indolent, then he is at fault.

6. In view of the above facts and circumstances, the application does not lie and is dismissed, however, with liberty to the applicant to move for C.C.P., if so advised, before the competent forum praying for condonation of delay, according to law.

(B.K.SINGH)
MEMBER(A)

(J.P.SHARMA)
MEMBER(J)

'KALRA'