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Central Administrative Tribunal
Principal Bench, New Delhi.

Date of decision: 10.7.1989.

Regn. No. O.A. 679/89.

Shri Sunil Kohli ... Applicant

Vs.

Union of India & Ors. ... Respondents.

CORAM:

Hon'ble Mr. P.Srinivasan, Member (A)

Hon'ble Mr. T.S. Oberoi, Member (J)

For the applicant: Shri B.S. Maine, Adv.

For the respondents: Shri Arvind Rohtagi, counsel
for Shri P.S. Mahendru, counsel

JUDGMENT (Oral)

(delivered by Shri P.Srinivasan, Member).

This application has come up before us for admission today. Shri Arvind Rohtagi prays for further time to file reply to the application on the question of admission. Looking at the facts of the case, particularly that the applicant, having been selected for appointment as Senior Clerk in the Railway Recruitment Board, Chandigarh, as early as 10.6.1986, has been waiting now for over two years for appointment, even after an order of posting was given to him in March, 1988, we do not consider it proper to allow the respondents further time to file reply on the question of admission. We, therefore, reject this request.

2. We have heard Shri Maine and Shri Rohtagi. Shri Maine draws our attention to the intimation received by the applicant from the Railway Recruitment Board and the order dated 1.3.1988 posting him as Senior Clerk to the Jagadhari workshop of the Northern

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Railway. In fact, he has received a copy of another letter dated 7.3.1988 issued by the office of the Senior Civil Engineer, (Construction) Jallandhar City, addressed to the Chief Engineer (Construction), Northern Railway, Delhi, in which the former indicated that he had no objection to the applicant being relieved for joining the post of Senior Clerk in the Jagadhari workshop. Shri Maine's complaint is that even after the issue of the aforesaid letter, the applicant has not been relieved and allowed to join the post of Senior Clerk at Jagadhari.

3. Shri Rohtagi submits that some enquiry is being made as to the office in which the applicant was appointed regularly as a Clerk because one condition for promotion as Senior Clerk is that the candidate for promotion should be a regularly appointed clerk. He draws our attention to the letter dated 2.12.1988, issued by the Headquarters Office of the Northern Railway, Delhi, to the Deputy Chief Bridge Inspector, Northern Railway, Jallandhar. He submits that the respondents have not denied promotion to the applicant but are only ascertaining whether he is eligible for such promotion. Therefore, according to Shri Rohtagi, the applicant can have no cause for grievance as yet.

4. At this stage, Shri Maine expressed an apprehension on the basis of information available with his client that his client's name is likely to be removed from the list of candidates selected for appointment by the Railway Recruitment Board.

5. We must observe that when a Departmental candidate, not an outsider, is considered for promotion and ~~is~~ selected for appointment, the authorities concerned should not take so much time in relieving him

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to join the new post. We also feel that the basic eligibility condition should have been examined at the stage of selection itself, ~~and~~ ^{though} other peripheral details may be obtained later. We are, therefore, little surprised that the respondents are still trying to find out whether the applicant was eligible for the selection made in 1986. His name should have been forwarded at that time by the Department in which he was ~~then~~ working, which should have taken the elementary care to ascertain whether he fulfilled the conditions for appointment. After he has been through it all, it is indeed hard on the applicant to wait for promotion for over three years.

6. In these circumstances, we direct the respondents to take immediate action in the matter and to convey their final decision, bearing in mind the observations made by us above, to the applicant within two months from today.

7. The application is disposed of at the admission stage itself, on the above terms, leaving the parties to bear their own costs.

Deben
(T.S. Oberoi)
Member (J)

P. Srinivasan
(P. Srinivasan)
Member (A)