

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/020/01409/2014

HYDERABAD, this the 14th day of December, 2020



**Hon'ble Mr. Ashish Kalia, Judl. Member
Hon'ble Mr. B.V. Sudhakar, Admn. Member**

S. Sai Babu S/o S. Subramanyeswarao,
Rtd Points Man-A, Aged 63 years,
Door No.16-6-9, Gantvaari Street,
Purnandam Pet, Vijayawada-AP.

...Applicant

(By Advocate : Mr. B. Rajesh Kumar)

Vs.

1. Union of India, Ministry of Railways,
Represented by it's The General Manager,
South Central Railway, Railnilayam,
SECUNDERABAD – Telangana State.
2. The Divisional Railway Manager,
South Central Railway,
Vijayawada Division-AP.
3. The Sr. Divisional Personnel Officer,
South Central Railway,
Vijayawada Division-AP.Respondents

(By Advocate : Mr.N.Srinivasa Rao, SC for Railways)

ORAL ORDER

(As per Hon'ble Mr.B.V. Sudhakar, Administrative Member)

Through Video Conferencing:

2. The OA is filed in regard to the promotion of the applicant as Goods guard.



3. Brief facts as narrated by the applicant are that he was selected as Goods Guard against notification dated 8.6.2010 subject to the assessment by the promotion committee which finalised the selection on 21.9.2011. Applicant retired on 31.8.2011 without being promoted on par with juniors. Hence the OA.

4. The contentions of the applicant are that the applicant has a right to be considered for promotion from the date he is eligible. Promotion has to be granted notionally and that the relief cannot be denied because the committee did not meet. Respondents cannot take advantage of their wrong doing.

5. Respondents state that the OA is barred by limitation. They confirm that a notification was issued on 8.6.2020 for promotion to different posts including Goods Guard and the applicant appeared in the prescribed written exam held on 12.2.2011. Results were announced on 15.3.2011 and the applicant name did not figure in the select list released on 6.4.2011. However, unsuccessful candidates filed OA 324/2011 & batch wherein Tribunal ordered revaluation and accordingly, a fresh list was published in

which applicant's name figured. DPC met and finalised the selection on 21.9.2011. Applicant retired on 31.8.2011 before he could be medically tested and record of service seen. Therefore he was not considered for promotion.



6. Heard both the counsel and perused the pleadings on record.
7. I. Applicant failed in the written exam conducted on 12.2.2011 for selection to the post of Goods Guard and when the unsuccessful candidates approached the Tribunal in OA 324/2011, re-evaluation was ordered and in the fresh list released on 26.8.2011 the name of the applicant figured. The selection is conducted at 3 stages sequentially, namely written exam, Medical and Record of service. Applicant retired on 31.8.2011 without going through the selection process of clearing the Medical and Record of service. Ld. counsel for the applicant has explained that the applicant has to be considered to have cleared the medical exam based on certain rules of the respondents organisation. Assuming that the Ld. Applicant Counsel submission is correct in respect of Medical, though not agreed to, the applicant has to still clear the hurdle of record of service, which he did not. Therefore, without undergoing through the entire selection process, it was not prudent on part of the applicant to claim the relief sought. Besides, no junior to the applicant was promoted before he has retired, as claimed by the respondents and not rebutted by the applicant by way of a rejoinder.

II. In view of the above circumstances, we do not find any merit in the OA and hence, is dismissed, with no order as to costs.



(B.V.SUDHAKAR)
ADMINISTRATIVE MEMBER

evr

(ASHISH KALIA)
JUDICIAL MEMBER