

11.9.87

Present : Sh. Ajit Dua proxy counsel for Sh. V.K. Khurana
for the applicant.

Sh. B.K. Aggarwal for the respondents. (u)

Rejoinder has been filed. Copy delivered.

Since the pleadings of the case are complete, the
matter be placed on board for final hearing.

V.K. Shali
(V.K. SHALI)
Deputy Registrar

10/9/92

To remain on daily bond.

B.O.
Anil Sr.
10/9/92

17/9/92

Present : None for the applicant.

Sh B.K. Aggarwal Counsel for the
respondents

CA disposed of. Orders dictated
in the open Court today.

B.O.
Anil Sr.
17-9-92
Co. CP

SPD

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

(B)

REGN. NO. O.A. 675/87.

DATE OF DECISION: 17.9.92

Lachmi Narain. ... Petitioner.

Versus

Divisional Railway Manager
& Ors. ... Respondents.

CORAM: THE HON'BLE MR. JUSTICE V.S. MALIMATH, CHAIRMAN.
THE HON'BLE MR. I.K. RASGOTRA, MEMBER(A).

For the Petitioner. ... None.

For the Respondents. ... Shri B.K. Aggarwal,
Counsel.

JUDGEMENT (ORAL)

(By Hon'ble Mr. Justice V.S. Malimath,
Chairman)

The petitioner was promoted as Goods Supervisor by order dated 1.12.1986 and posted at New Delhi. He did not join and report for duty at New Delhi. There was no promotional post in which he could have continued at Delhi Kishanganj. As he did not report at New Delhi, the order of promotion was cancelled on 31.3.1987.

Thereafter, he was given the benefit of promotion by order made on 28.4.1987, and ^{the} petitioner was again transferred and posted at New Delhi. It is in this background that the petitioner has approached the Tribunal for relief.

2. In the reply filed by the respondents, it is stated that the petitioner joined as Goods Supervisor at New Delhi Railway Station on 9.5.1987 in pursuance of the order made in April, 1987. The petitioner now seeks the benefit of the earlier order of promotion made on 1.12.1986.

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It is obvious that he cannot get this benefit for the reason that the said order came to be cancelled as he did not choose to report for duty at New Delhi. Hence, he is not entitled to any benefit.

3. For the reasons stated above, this petition fails and is dismissed. No costs.

I.K. Rasgotra
(I.K. RASGOTRA)
MEMBER(A)

V.S. Malimath
(V.S. MALIMATH)
CHAIRMAN

SRD
170992

at.