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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,  
NEW DELHI.

D.A. No. 1322/90

New Delhi this 26th August, 1994.

Hon'ble Mr. S.R. Adige, Member(A)

Hon'ble Mrs. Lakshmi Swaminathan, Member(J)

Shri K.M. Govilla,  
Commercial Inspector,  
Railway Station,  
Ratangarh (Rajasthan),  
R/o J-201, Rajouri Garden,  
New Delhi

.....Applicant.

Shri B.S. Maine, Advocate

versus

Union of India: through

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

2. The Divisional Railway Manager,  
Northern Railway,  
Bikaner

.....Respondents.

By Advocate Shri O.P. Kshatriya

JUDGMENT

By Hon'ble Mr. S.R. Adige, Member(A)

In this application, Shri K.M. Govilla,  
Ratangarh  
Commercial Inspector, / Railway Station (Rajasthan),  
has claimed promotion as Commercial Inspector,

Grade Rs.550-750/- w.e.f. October, 1985 or 1.1.86 or  
at least from the date of promotion of his juniors.

2. Shortly stated, the applicant joined  
the service as a Booking Clerk on 5.11.53 in the  
Northern Railway. Thereafter, he was promoted  
as Senior Booking Clerk, and in 1959 as Head Booking  
Clerk Grade Rs.425-640/- and in the Grade Rs.455-700/-  
in 1982. He was promoted as Booking Supervisor Grade  
Rs.550-750/- w.e.f. 1.1.84.

3. In 1984, the respondent no.2 asked for option for promotion to the post of Commercial Inspector Grade Rs.455-700/- and the applicant gave his option for the same. After holding a selection for the post, the respondents prepared a panel vide letter dated 25.1.85 (Annexure-A3) in which the applicant also figured. Eventually, the applicant was posted as Commercial Inspector vide order dated 11/15.4.85 (Ann-A4). Meanwhile, as the applicant had already been promoted in 1984 itself as Booking Supervisor in the higher scale Rs.550-750/-, he represented on 12.7.85 (Annexure-R9) that his willingness for absorption as Commercial Inspector to be treated as cancelled and he may be allowed to continue his career advancement in the category of Booking Supervisor. He followed the other letters also expressing his unwillingness to go as a Commercial Inspector. However, as he had exercised his option for posting him as a Commercial Inspector and he had been posted as such vide order dated 11/15.4.85, His refusal was not accepted. On 1.9.85, he was directed to join as a Commercial Inspector at Rewari and he joined as Commercial Inspector grade Rs.455-700/- on 2.9.85. Thereafter, on 25.10.85, Shri Saddiq Ahmad, the applicant as well as Shri Shah Karan were promoted as Commercial Inspector in the higher grade Rs.550-750/-. Shri Saddiq Ahmad, who was the seniormost, was posted in Bikaner Division; the applicant was ordered to be transferred to Jodhpur Division; while Shah Karan was ordered to be transferred to Allahabad Division. Shri Saddiq Ahmad as well as Shri Shah Karan were allowed to join the higher grade soon after, but the applicant was not relieved to proceed on promotion to the higher grade.

Rs.550-750/- till 25.5.88 (Annexure-A1). The respondents contend that the applicant was not spared for Jodhpur Division to join as Commercial Inspector grade Rs.550-750/- in the interest of the administration. Meanwhile, the applicant contends that had he been spared to proceed on promotion to Jodhpur Division, he could have also been transferred to Bikaner Division where there was a clear vacancy consequent to the retirement of Shri Sadiq Ahmad w.e.f. 31.12.85.

4. We have given this matter our careful consideration. While the public interest is nodoubt paramount, the respondents have not specified what reasons stood in the way of relieving the applicant to proceed on promotion within reasonable time. We do not think that there was adequate justification for the respondents to delay relieving the applicant to join the place of posting on promotion for such a long period of time.

5. In the facts and circumstances of this particular case, therefore, this application is allowed, and the respondents are directed to grant proforma promotion and notional fixation of salary to the applicant as Commercial Inspector in the grade of Rs.550-750/- w.e.f. the date his immediate junior was promoted of pay without payment of arrears/but with other consequential benefits. No costs.

*Lakshmi Swaminathan*  
(LAKSHMI SWAMINATHAN)  
MEMBER (J)

*M. Jagarla*  
(S.R. ADIGE)  
MEMBER (A)