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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

O.A. No. 1192/1991

New Delhi this the 28 Day of April 1995.

Hon'ble Mr. A.V. Haridasan, Vice Chairman, (J)

Hon'ble Mr. K. Muthukumar, Member (A)

Shri Sukhbir Saran,  
P.W.I. Northern Railway,  
Bijnor.

..... Applicant

(By Advocate: Shri B.S. Mainee)

Vs.

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

2. The Divisional Railway Manager,  
Northern Railway,  
Moradabad.

..... Respondents

(By Advocate:

O R D E R (Oral)

Hon'ble Mr. A.V. Haridasan, Vice Chairman (J)

The grievance of the applicant, a permanent Way Inspector is that the respondents have in their impugned letter dated 31.5.1989, Annexure A-1, promoting Permanent Way Inspector to Chief Permanent Way Inspector unjustifiably deferred the case of the applicant for consideration for promotion without any justification grounds. According to the applicant there was no major penalty proceedings pending against him and therefore there was no reason why his promotion should have been deferred. In this application, the applicant prays that the respondents be directed to consider his case for promotion to the post of Chief Permanent Way Inspector with effect from the date his juniors have been promoted as Chief Permanent Way Inspector with all consequential benefits.

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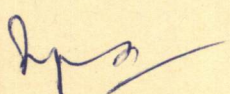


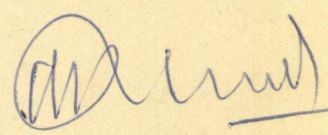
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The respondents contend that the case of the applicant for promotion as Chief Permanent Way Inspector was deferred as stated in Annexure A-1 as his ACRs for the period ending 31.3.1987 <sup>were</sup> ~~was~~ not received from the Division, and that as on record <sup>of</sup> ~~of~~ the ACR though the DPC considered his case for ~~effecting~~ <sup>Promotion</sup> promotion twice, he could not be ~~granted~~ <sup>granted</sup> as the Committee did not find him suitable as stated in notices Annexure R1 and R2. The respondents therefore contend that the applicant has no ~~legal~~ <sup>legitimate</sup> legitimate grievance.

3. It is pertinent to mention here that the applicant has already retired from service in July 1991. Considering <sup>the</sup> ~~the~~ case of the applicant for promotion was deferred for want of <sup>of</sup> ~~of~~ ACRs of the relevant period. But when the ACRs became available the DPC considered his case and found him unsuitable for promotion. On a second occasion also the DPC considered his case and found that he was unsuitable. There is no allegation of malafide against the DPC, nor it is stated by the applicant that the DPC ~~took~~ <sup>took</sup> into consideration any extraneous matters. Therefore, the decision of the DPC cannot be faulted.

4. In the light of what is stated in the foregoing paragraphs we are convinced that the applicant has no legitimate grievance to be redressed. The application therefore fails and the same is dismissed without any order as to costs.

  
(K. Muthukumar)  
Member (A)

  
(A.V. Haridasan)  
Vice Chairman (T)