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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH
NEW DELHI.

O.A.No. 2767/91

Dated: this the 25th day of April, 1997.

HON'BLE MR. S. R. ADIGE, MEMBER (A).

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J).

Phool Singh,
S/o Sh. Phagga Lal,
HTTE, Northern Railway,
Saharanpur (UP) ... Applicant,
(By Advocate: Shri G.D. Bhandari).

Versus

1. Union of India through
the General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. The Divisional Railway Manager,
Northern Railway,
Ambala Cantt. Respondents.
(None for the respondents).

JUDGMENT

BY HON'BLE MR. S. R. ADIGE MEMBER (A).

Applicant seeks promotion as Head Travelling
Ticket Examiner (Rs. 1400-2300) retrospectively w.e.f.
1.1.84.

2# Admittedly, applicant, who belongs to SC
community and was working at Saharanpur, in the feeder
post, was promoted to the equivalent post of
Conductor vide orders dated 25.5.86 (Annexure- A 8)
and posted to Kalke. The promotion was to be effective
from the date applicant took charge, but he did not
avail of that promotion and continued at Saharanpur
on the feeder post. Meanwhile, consequent to a
departmental proceeding he was imposed a penalty of
withholding increment for 2 years from 1.12.86 to
30.11.88. After that period was over, applicant was
again considered for promotion as HTTE or its
equivalent post in April-May, 1989 which resulted in

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his promotion as HTTE Saharapur on 8.3.90 . It is not denied by applicant that he was removed from service as a result of a vigilance case vide letter dated 6.12.91.

3. We note that when applicant was promoted as Conductor at Kalka w.e.f. 26.5.86 he did not proceed to join the promotion post but represented more than once to be granted promotion in Saharapur itself. Respondents were not obliged to do so and their Circular dated 19.11.70 relied upon by him are only in the nature of guidelines to be followed as far as practicable in the exigencies of service. Applicant also relies on the Chief Inspector (Ticket) letter dated 7.1.89 (Annexure-A14) forwarding applicant's representation in which it has been stated that applicant could not be spared to proceed to Kalka due to shortage of staff, but the fact that applicant appears to have made no move to be relieved to proceed to Kalka after issue of promotion orders dated 26.5.86 lends support to the view that he was not averse to continuing at Saharapur even on the lower post, and was all along hoping to be accommodated on the promotional post in Saharapur itself.

6. It would have been another matter if applicant had availed of the promotion when offered to him and then agitated his grievance for promotion from an earlier date, but by not availing of the promotion when offered to him, because it involved a change of station and continuing at the same station even on the feeder post, applicant forfeits his right for consideration for promotion from any earlier date.

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5. In the result, we see no good reasons to interfere in this matter. The OA is dismissed. No costs.

Lakshmi Swaminathan
(MRS. LAKSHMI SWAMINATHAN)
MEMBER(J).

S. R. Adige
(S. R. ADIGE)
MEMBER(A).

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