

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

OA 2897/92

New Delhi this the 18th day of May, 1999.

Hon'ble Shri S.R. Adige, Vice Chairman (A)
Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Mukandi Lal
S/O Shri Randhir Singh
Station Superintendent, Delhi
Northern Railway, Delhi
R/O 17-A SP Mukherjee Marg,
Delhi-6.

..Applicant

(None for the applicant)

Versus

1. Union of India
Through the Secretary
Ministry of Railways,
Railway Board,
New Delhi.

2. Shri R.R. Kohli
Director Establishment (GP)
Railway Board, New Delhi.

3. Shri Pawan Kumar,
Sr.DOS (RE)
Northern Railway,
Allahabad

.. Respondents

(By Advocate Shri R.L. Dhawan)

O R D E R (ORAL)

(Hon'ble Shri S.R. Adige, Vice Chairman (A))

Applicant seeks consideration for promotion to Group A Service with reference to promotion given to his junior Shri Pawan Kumar, with consequential benefits.

2. None appeared for the applicant when this case was called out, although it had been heard in part on an earlier date, and was at Serial No.1 of the regular hearing list today.
3. On 17.5.99 proxy counsel Shri C.B. Pillai had appeared and had sought adjournment on behalf of arguing counsel Shri KNR Pillai who was stated to be busy elsewhere. part
4. As this is a 1992 case and had been heard in / and was listed at Sl. No.1 of the regular hearing list today, we,

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therefore, proceed to dispose it of after perusing the material on records and hearing Shri Dhawan.

5. It is not denied that Shri Pawan Kumar was promoted to Group A Service in 1986. Thereafter consequent to the orders of the Delhi High Court in LPA No.220/1971, the seniority list of Traffic Apprentices, Direct Recruits and rankers were revised, and the revision was completed in 1989. Pursuant to the revised seniority list, review DDC for promotion were held, but as pointed out in paragraph 4.10 of respondents reply, although applicant was placed senior to Shri Pawan Kumar in the revised seniority list neither he nor Shri Pawan Kumar were coming within the zone of consideration for promotion.

6. Meanwhile as Shri Pawan Kumar already stood promoted to Group A Service, and was to retire shortly, respondents ~~had~~ ^{purely} on humanitarian considerations did not revert from the promoted post consequent to the revision in the seniority, but allowed to retain Group A post till the date of ^{his} ~~his~~ retirement ^{on} 31.8.93.

7. In the facts and circumstances of the noticed above, we are of the opinion that this does not give applicant ^{an} enforceable legal right to claim for promotion to Group A service from the date Shri Pawan Kumar was promoted in 1986.

8. In the result, OA warrants no interference and the same is accordingly dismissed.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member(J)

Av. Adige
(S.R. Adige)
Vice Chairman(A)

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