

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW DELHI****O.A. No.** 1593/93  
**T.A. No.**

199

**DATE OF DECISION** 17-8-93

<u>Sh. B. R. Mangla</u>	Petitioner
<u>Sh. M. L. Sharma</u>	Advocate for the Petitioner(s)
Versus	
<u>U.O.I. &amp; Ors through Genl. Manager Northern Railway, Baroda House, New Delhi</u>	Respondent
	Advocate for the Respondent(s)

**CORAM**

The Hon'ble Mr. I. K. Rasgotra, Member(A)

The Hon'ble Mr. B. S. Hegde, Member(J)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

**JUDGEMENT(ORAL)**

(delivered by Sh. I. K. Rasgotra, M(A))


We have heard Sh. M. L. Sharma, <sup>learned</sup> counsel for the petitioner. We had given him time to supplement the application of the petitioner with a view to establish his case. We find that the paper filed by the petitioner only indicate that the petitioner was senior most Console Operator and, therefore, he automatically should have fill up the vacancy arising out of the promotion of Sh. J. K. Saxena, Senior Console Operator as Assistant Programmer.

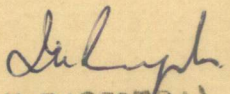
The case of the petitioner is that he filed a representation on 14.3.88. In the said representation he has contended that the working of the Console Operator and Sr. Console Operator " is of technical nature and has no differentiation". As such the applicant should automatically be promoted in the scale of Rs 2000-3200(RPS)



vice Sh.J.K.Saxena from the date of his promotion as Assistant Programmer. The petitioner has infact been promoted to the said post by the respondents vide order dated 9-2-1988 on adhoc basis. His claim is that since there is no differentiation between the Console Operator and senior Console Operator and ~~since~~ he was senior most Console operator, he was automatically to be promoted to the <sup>said</sup> post.w.e.f. 1.10.1987 when the post fell vacant.

Learned counsel for the petitioner has not produced any recruitment rules nor has he produced any other material that the promotion to the post of Senior Console Operator is automatic or otherwise. Accordingly we are not inclined to admit the OA and the same is dismissed at the admission stage itself.

  
(B.S. HEGDE)  
MEMBER(J)

  
(I.K. RASGOTRA)  
MEMBER(A)

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