

CENTRAL ADMINISTRATIVE TRIBUNAL ALIHAHAD BENCH ALIHAHAD

DATED : ALIHAHAD THIS THE 11th DAY OF JAN.1996.

QUORUM : Hon'ble Mr. T. L. Verma, Member-J  
Hon'ble Mr. D. S. Baweja, Member-A

ORIGINAL APPLICATION NO. 18 of 1996.

1. Mohd. IshaKhan, s/o. Mohd. Zakaria Khan, r/o. 190/377, Nihalpur, Allahabad, presently working at Kanpur Central Northern Railway's Reservation Office, as HE & RC(CNB)
2. Sri A.K.Bhatnagar S/o. late Mahadeo Prasad/R/o. 11CF, Fazalganj Railway Colony, Kanpur
3. Sri Brijesh Kumar Singh HE & RC , s/o late Ram Kishore Singh R/o. 62/89, Harbans Mohal, Kanpur.
4. Smt. Alhilesh Kumar (HE & RC)  
D/o. Sri Parma Nand R/o. D.96, Shaigan Nagar, Kanpur.

..... Applicants.

(By Advocate Sri I.B.Singh)

Versus

1. General Manager (Personnel), Northern Railway, HQ Office, Baroda House, New Delhi.
2. The Divisional Rail Manager, (P) Northern Railway, Allahabad.

..... Respondents.

O R D E R(Oral)

(By Hon'ble Mr. T.L.Verma, Member-j)

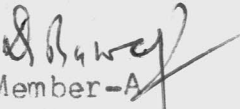
The applicants, Enquiry cum-Reservation Clerks, Kanpur Central Northern Railway, Kanpur ~~have~~ filed this application, <sup>for</sup> restraining the respondents from holding selection for the post of Enquiry cum-Reservation Supervisor grade Rs. 1600-2660/- and for issuing a direction to the respondents to promote

the applicant to the said post.

2. The contention of the learned counsel for the applicants is that since vacancies in Grade Rs.1600-2660/- are available and the applicants, who are senior most, are entitled to be promoted to the said post. This argument of the learned counsel for the applicant cannot be accepted. Appointment on a post for which selection test has to be cleared, can not be ~~cleared~~<sup>made</sup> without passing the required selection test. It is not the case of the applicants that persons juniors to them, in the seniority list, have been given promotion ignoring their claim. Not only that the persons, who are senior to the applicants who have given ~~a~~ adhoc promotion, have ~~be~~ also been asked to appear in the said selection test. The respondents, therefore, cannot be faulted with ~~the~~<sup>their</sup> decision to hold selection test for promotion to the post of Enquiry cum-Reservation Supervisor.

3. It was next argued that Chief Commercial Manager has recommended for decentralization of cadre of Chief Reservation Supervisor grade Rs. 1400-2300 and 1600-2660/-. According to the applicants, if the aforesaid recommendation of the Chief Commercial Manager has been accepted, the chances of the applicants for promotion to the grade of Rs.1600-2660/- would have been enhanced. Since no decision ~~in~~<sup>for</sup> decentralization, as per the recommendation of the Chief Commercial Manager, has been taken, no right has accrued in favour of the applicants, based on the said recommendation. Even if a decision for decentralization had been taken, the applicants would have had to appear at the selection test for promotion on the said post.

4. In view of the above, we find that no case for admitting this application has been made-out. This application is accordingly dismissed at the admission stage itself as not-maintainable.

  
Member-A

  
Member-J

Pan dey/-