

(11)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 26TH DAY OF AUG: 2002

Original Application No.237 of 1997

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MAJ.GEN.K.K.SRIVASTAVA, MEMBER(A)

Sukhi Singh, son of Sri Sukhdeo Singh
R/o H.No.N-9/61-6, Mohalla Patian
(Bridge Enclave colony) Post office
Bajardiha, district Varanasi

... Applicant

Versus

1. Union of India, Ministry of Railways(Railway Board) through Executive Director-Accounts New Delhi.
2. General Manager, Indian Railways, Diesel Locomotive Works, varanasi.
3. F.A. & C.A.O(Financial Advisor &Chief Accounts Officer), Indian Railways Diesel Locomotive works, Varanasi, U.P.
4. Dy.Chief Account Officer For Office of FA&CAO, Indian Railways Diesel Locomotive Works, Varanasi
5. Shri C.K.Jha, Asstt. Accounts Officer,(Grade Rs 2375-2750) Office of the FA&CAO, Diesel Locomotive Works, Varanasi.

... Respondents

(By Adv: Shri Prashant Mathur)

O R D E R(Oral)

JUSTICE R.R.K.TRIVEDI,V.C.

By this OA u/s 19 of A.T.Act 1985 applicant has challenged the order dated 17.12.1996(Annexure 1) by

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which one Punni lal and one Shri C.K.Jha Assistant Accounts Officers were promoted on ad hoc basis as Senior Accounts Officers in the grade of Rs 3000-4500 w.e.f 15.12.1996. The claim of the applicant is that he was illegally ignored and respondent no.5 Shri C.K.Jha who was junior to the applicant was promoted as Accounts Officer.

Resisting the claim of the applicant respondents have filed counter reply. In para 2(vi) where of it has been stated that applicant was awarded adverse entries in Confidential report during the years 91-92 and 94-95 which were communicated to the applicant on 5.6.1995. Applicant filed representations against the adverse entries which were considered by the Competent Authority and his representations were rejected and adverse entries were confirmed. The DPC did not recommend applicant for promotion on ad hoc basis in senior scale. In the circumstances applicant could not be promoted.

In Rejoinder affidavit this factual aspect has not been denied. In paragraph 7 of the R.A applicant has only stated that the comments made in the ACR is nothing but only to give promotions to the officers of their choice on the basis of extraneous consideration.

Thus, the fact that applicant was awarded adverse entries in the year 1991-92 and 1994-95 and the adverse entries were confirmed by the Competent Authority after his representation was rejected, has not been denied. In the circumstances, applicant is not entitled for any relief. It is not disputed that the post of Senior Accounts officer was a selection post and applicant could not be given promotion.

The OA has no merit and is accordingly rejected.

Uv/
No order as to costs.

Dt.26.8.02

MEMBER(A)

VICE CHAIRMAN