

Open Court.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

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Original Application No. 154 of 1998

this the 18th day of March 2002.

HON'BLE MR. RAFIQ UDDIN, MEMBER (J)
HON'BLE MR. C.S. CHADHA, MEMBER (A)

N.R. Khote, aged about 50 years, S/o Sri Baldew, R/o Behind
Sindhi Dharmashala, House No. 148 Govind Nagar, Kanpur Nagar

Applicant.

By Advocate : Sri R.K. Pandey.

Versus.

1. Union of India through the Divisional Railway Manager,
Central Railway, Jhansi.
2. Loco Foreman, Central Railway, Jhansi.
3. Senior Divisional personnel Officer, Central Railway,
Jhansi.

Respondents.

By Advocate : Sri Amit Sthalekar.

O R D E R (ORAL)

RAFIQ UDDIN, MEMBER (J)

The applicant has filed this O.A. seeking directions to the respondents to promote him w.e.f. 11.3.88 as Passenger Guard in pursuance of the order passed by the respondents and also to accord him seniority as per promotion order dated 11.3.1988.

2. The applicant while working as Goods Guard in the pay-scale of Rs. 1200-2040/- was shown to be promoted as Passenger Guard in the pay-scale of Rs. 1350-2200/- in the seniority list. The grievance of the applicant is that the benefit of the said promotion order has not been given to him by the respondents in arbitrary manner and his promotion is kept pending, thereby the applicant has suffered monetary loss. The applicant states that the

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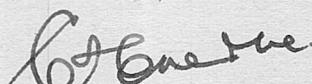
seniority list of Guards working in the Division was published on 5.6.94 in which the name of the applicant was mentioned at sl. no. 216. The applicant was also shown as ^R having been promoted as Passenger Guard in the aforesaid seniority list, a copy of which has been annexed as Annexure no. 1 to this O.A. After coming to know about the aforesaid remark in the aforesaid seniority list, the applicant made queries from the office and obtained a copy of the order dated 11.3.88. The applicant claims that the order dated 11.3.88 indicates that as a result of restructuring and sanction of three posts of Guard Express for Diesel Rail Car. ^R the promotion order was issued. Aggrieved by in action on the part of the respondents, the applicant represented to the respondent no.3 on 29.11.95, but nothing has been done and, therefore, he has filed the present O.A.

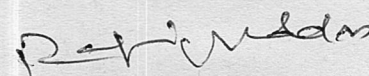
3. We have heard the learned counsel for the parties and have perused the pleadings on record.

4. The learned counsel for the respondents has argued on the basis of the pleadings that due to typing error, the applicant was wrongly shown as ST candidate in the seniority list and, therefore, he was considered for promotion as Passenger Guard in the pay-scale of Rs.1350-2200/- against ST quota and his promotion order was issued accordingly vide order dated 11.3.1988. However, on getting the information that the applicant is not ST candidate and belongs to SC ^{Category} candidate, the aforesaid promotion order was cancelled vide order dated 7.6.88. Therefore, the question of giving the promotion to the applicant does not arise. It is also stated that this fact was brought to the notice of the applicant when he visited the office of the respondent no.3

5. It has not been disputed by the learned counsel for the applicant that the applicant belongs to SC category and not ^R to ST category. It has not been pleaded by the learned counsel ^R

for the applicant that in the year 1988 when the promotion order, in question, was passed, the applicant was eligible for promotion against SC quota. It is also stated by the learned counsel for the respondents that in the seniority list published on 5.6.1994 the applicant has been shown having been promoted as Passenger Guard has wrongly been mentioned. It is, thus, clear that the applicant was shown having been promoted as Passenger Guard under ST quota vide order dated 11.3.88 which was subsequently cancelled when the mistake that the applicant belongs to SC category was deducted. Therefore, in our considered opinion the applicant cannot take any benefit of the promotion order, in question, which was obviously passed by some clerical errors on the part of the respondents. The case of the applicant for promotion to the post of Passenger Guard is not established. We do not find any merit in the O.A. and the same is dismissed. No costs.


MEMBER (A)


MEMBER (J)

GIRISH/-