

RESERVED

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH: ALLAHABAD**

**ORIGINAL APPLICATION NO. 996 OF 1998**

ALLAHABAD THIS THE 23rd DAY OF **MAY, 2006**

**HON'BLE MR. K. B. S. RAJAN, MEMBER-A**  
**HON'BLE MR. A. K. SINGH, MEMBER-J**

Brikhbhan, aged about 57 years, S/o Sri Govind  
Jatav, R/o Laxmanpura, Gwalior..

.....Applicant

By Applicant: Shri R.K. Nigam

Versus

1. Union of India, through the General Manager,  
Central Railway, Mumbai CST.
2. D.R.M., Central Railway, Jhansi.
3. Sri Natthi Lal Guard 'A' Special, Gwalior, C/o  
Station Manager, Central Railway, Gwalior.
4. Sri Baboo Lal Rajput, Guard 'A' Special  
Gwalior, C/o Station Manager, Central Railway,  
Gwalior.
5. Sri K.L. Sikarwar, Guard 'A' Special Gwalior  
C/o Station Manager, Central Railway, Gwalior.

..... Respondents

By Advocate: Sri A. Sthalekar

**ORDER**

**By K.B. S. Rajan, Member-J**

Though opportunity was granted to file written  
submission, for reasons best known to the applicant  
or his counsel, despite sufficient time has passed,  
no written submission has been filed. As such, the  
matter has been considered on the available  
documents and the result thereof is this order.

2. For the purpose of this order, detailed narration of facts as in OA or the resistance as in the CA is not essential. The matter is simple and short. The applicant aspired for the post of Guard A under the quota system but could not be promoted to the post of Guard 'A' Grade. Hence this O.A.

3. Safety posts are to be filled up only when the aspirants to the posts concerned possesses requisite qualifications and in so far as Guard in the Railway, the same is no exception. Here is a case, where, the applicant was found unsuitable in the modified selection procedure when filling up of vacancies under the re-structuring scheme was considered. Again, against the regular vacancies for guard 'A' category, when the individual appeared in the written and viva, he could not clear the viva consequent to which the respondents had promoted other general candidates and SC/ST candidates, notwithstanding the fact that some of the selected candidates were junior to the applicant. A person who stands disqualified cannot have any grievance against promotion of his juniors who stood qualified. Contention that SC/ST quota is not being filled properly is also not found correct as is evident from the counter filed by the respondents.

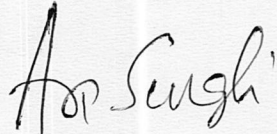
In fact para 3 and 10 of the counter are quite impressive and the applicant could not meet the



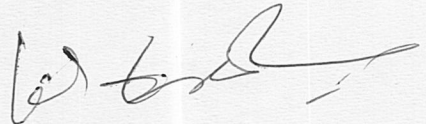
same. Rather, he has been groping upon extraneous matters.

4. The relief claimed is blissfully vague. From the pleadings one could cull out that the applicant requires promotion from a retrospective date and if granted, the same would increase his pension etc., He had retired in 2001.

5. As no case has been made out by the applicant, we have no option but to dismiss the OA. Accordingly it is ordered. No cost.



MEMBER-A



MEMBER-J

GIRISH/-