

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

ORIGINAL APPLICATION NUMBER 941 OF 2001

MONDAY, THIS THE 03rd DAY OF NOVEMBER, 2003

HON'BLE MR. JUSTICE R.R.K. TRIVEDI, V.C.
HON'BLE MR. D. R. TIWARI, MEMBER(A)

Babu Ram Sharma,
son of Shri Munshi Ram Sharma,
resident of Road No.1, Ram Nagar Colony,
Izzatnagar, Bareilly.

(.....Applicant

(By Advocate : Shri T.S. Pandey)

V E R S U S

1. Union of India through General Manager,
North Eastern Railway, Gorakhpur.
2. Divisional Railway Manager, North
Eastern Railway, Izzatnagar, Bareilly.
3. Senior Divisional Personnel Officer,
North Eastern Railway, Izzatnagar, Bareilly.

.....Respondents

(By Advocate : Shri K.P. Singh)

O R D E R

By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

By this Original Application filed under section 19 of Administrative Tribunals Act, 1985, the applicant has challenged the orders dated 25.04.2001, 16.07.2001 and 31.05.2001 and has prayed for a direction to respondents to confirm the applicant on the post of Junior Clerk and to consider his promotion on the post of Senior Clerk as and when vacancies arises.



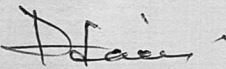
2. Before filing the present Original Application, applicant filed O.A. No.1310 of 1999 which was decided finally on 27.11.2000 with following directions:-


"We do not find it necessary to quash the order dated 07.10.1999. The learned counsel for the respondents has already stated that the applicant would be considered for confirmation on the post of Junior Clerk as and when the vacancy in the 25% promotion quota arises. Going along-with learned counsel for the respondents we direct the respondents to consider the applicant for confirmation on the post of junior clerk as and when there is vacancy against 25% promotion quota and in accordance with rules. O.A. is disposed of in the above terms."

3. ^{while challenging} order dated 07.10.1999, which was impugned in the earlier O.A. also, applicant has claimed that he was promoted as Junior Clerk and he has served for more than 6 years, but he was reverted. Thus, in the earlier O.A. itself, claim of the applicant for selection as Junior Clerk in the alleged selection held in pursuance of the notification dated 10.10.1991 was not accepted. On the other hand applicant was required to appear in the selection test whenever the vacancies were available. In the present case, applicant was informed by order dated 25.04.2001 (Annexure-2) that he could not be regularised as junior clerk, unless he appeared in the selection held for promotion from Grade 'D' post to Grade 'C' post. Then by another order dated 16.07.2001 (Annexure-3) applicant was required to appear in the written examination to be held on 22.07.2001 at 11.00 a.m. ^{but he did not appear in written test}. Hence there is no question of being promoted as Junior clerk.

4. Learned counsel for the applicant submitted that the intimation given by letter dated 16.07.2001 was served on the applicant on 24.07.2001 i.e. ¹⁰/₁₀ day after 22.07.2001, hence he could not appear. However, no such averment has been made in the O.A. and this question cannot be allowed to be raised by the applicant, ^{or} in absence of pleadings, ^{or}

5. Considering the facts and circumstances, in our opinion, the impugned orders do not suffer from any error of law. The applicant is not entitled for relief. The O.A. has no merit and accordingly dismissed, with no order as to costs.


Member (A)


Vice-Chairman

shukla/-