

**CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH**

**OA/020/00351/2015**

HYDERABAD, this the 1<sup>st</sup> day of April, 2021

**Hon'ble Mr. Ashish Kalia, Judl. Member  
Hon'ble Mr. B.V. Sudhakar, Admn. Member**



A.Sreedhar, Senior Clerk,  
Aged 43 years, S/o A.S.R. Koteswara Rao,  
Cash Office, S.C. Rlys, Vijayawada  
Division, Vijayawada,  
23-14-15, Gadiyaram Vari Street,  
Satyanarayana Puram,  
Vijayawada 520011.

...Applicant

(By Advocate : Mr.Ch. Satyanarayana Murthy)

Vs.

1. Union of India Represented by  
General Manager, S. C. Railway,  
Railnilayam, Secunderabad.
2. Deputy Chief Accounts Officer, Traffic-1,  
S.C. Railway, Railnilayam, Secunderabad.
3. Chief Cashier, Cash & Pay Department,  
Near Old FA & CAO Office Building,  
S.C. Rly, Secunderabad.

....Respondents

(By Advocate : Mr. S. M. Patnaik, SC for Rlys)

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**ORAL ORDER**  
**(As per Hon'ble Mr.B.V.Sudhakar, Administrative Member)**

**Through Video Conferencing:**

2. The OA is filed challenging the non promotion of the applicant as Office Superintendent.
3. Brief facts of the case are that the applicant working as Sr. Clerk in the respondents organization was eligible to be promoted to the post of Office Superintendent (for short “OS”) on seniority basis. There were 10 vacancies and only 7 seniors were selected. When it came to the turn of the applicant, it was informed that the 3 vacancies have been abolished as a consequence of work study. Aggrieved, the OA is filed.
4. The contentions of the applicant are that he has a right to be considered. The promotion to the post of OS was done piecemeal on 3 occasions. After the 3<sup>rd</sup> selection, the applicant was informed that the 3 posts were surrendered as per work study report without furnishing the details of the posts abolished, date on which posts were surrendered and the date of vacancies, though queried under RTI Act. The instructions contained in RBE No.157/1988 were not followed. However, later when the assessment sheet was obtained under RTI Act, it was informed that the vacancies as on 1.1.2013 were Nil, but 3 senior employees were given promotion on 27.2.2013. There should be a gap of 6 months between 2 selections, which was not followed since 4 employees were promoted on 27.2.2013 & 5.7.2013.



5. Respondents in the reply statement state that there were only 7 vacancies in the cadre of OS and seniors to the applicant were selected as the selection was seniority based. The selection had to be done piecemeal as the clarification in regard to promotion on selection/ non-selection basis was not forthcoming from the Railway Board. There was also a change in the selection process due to the recommendations of the 6<sup>th</sup> CPC.



Applicant filed a rejoinder wherein he states that the cadre strength of the OS as per rules has to be 14.5 whereas respondents are showing it as 20 to suit their averments. There is no justification to effect promotions piecemeal and that the delay in effecting them due to the time consumed in seeking the clarification from the Railway Board is false.

6. Heard the counsel for the respondents. Since the case is of the year 2015 any further delay in adjudicating the case would not be in the interest of justice, the case was heard for taking a view in the matter. The pleadings on record were gone through carefully.

7. I. The issue is about not promoting the applicant to the cadre of OS. The respondents submit that there were 7 vacancies in the OS cadre. Against 7 vacancies seniors to the applicant were selected. The applicant contends that 3 vacancies were surrendered due to work study. Usually, in Govt. Organisations work study is taken up periodically to assess as to whether there is any i) increase in the work load and ii) the time consumed per unit of work is studied as and when new technology is inducted. As for example, using IT software would bring about a marked difference in the

time required for performing a given task and this affects the work study markedly. Based on the work study report, the Department would reduce posts which is a regular exercise normally done as a policy matter. Hence, it is not for the Tribunal to interfere in such policy matters.



II. The applicant has a right to be considered for promotion, but he can be promoted only when there is a vacancy and not otherwise. Thus, the issue is not about ignoring the applicant for promotion but lack of vacancy. Respondents have admitted that he would be considered as and when vacancy arises. The applicant has raised some technical objections, which we have gone through carefully and found them to be irrelevant. As for example the calendar of selection to be followed as per RBE 157/1988 does not in no way help the applicant, when there is no vacancy to promote the applicant. The applicant makes a general submission that the strength of the OS cadre has to be 14.5 and not 20 as claimed by the respondents, but he did not back it up with any documentary evidence. However, the pertinent point in the dispute under adjudication is the availability of vacancies. Other contentions made have been gone through and found to be irrelevant.

III. The respondents have also stated that the with the advent of 6<sup>th</sup> CPC, a modified selection procedure has been adopted wherein a committee has been entrusted to cause promotions after perusal of the service records and APARs, making the selection transparent and error free to a large extent. The action of the respondents in regard to causing

promotions to the cadre of OS is as per rules, which is evidenced by the facts on record.

IV. In view of the above, we find no merit in the case and the same

is dismissed with no order as to costs.



**(B.V.SUDHAKAR)**

**ADMINISTRATIVE MEMBER**

**(ASHISH KALIA)**

**JUDICIAL MEMBER**

*evr*