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CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD.

Allahabad this the 28th day of September 1995.

Original Application no. 1057 of 1987.

Hon'ble Mr. S. Das Gupta, Administrative Member.
Hon'ble Mr. T.L. Verma, Judicial Member.

Raj Pal Updhayaya, A.S.M. Chanehati, Moradabad, Division,
Northern Railway.

... Applicant.

C/A Sri Dhan Prakash

Versus

1. Divisional Railway Manager, Moradabad.
2. General Manager, Railway, Baroda House, New Delhi.

... Respondents.

C/R Sri. A.K. Gaur.

O R D E R (Oral)

Hon'ble Mr. S. Das Gupta, Member-A

The relief sought in this application under section 19 of the Administrative Tribunal Act, 1985, is that the applicant be declared to ^{have been} promoted to the grade of Rs. 455-700 in October ¹⁹⁸³ ~~1982~~ and he be entitled to the increment in the old grade and also in the ^{equivalent} grade in the revised pay scale with effect from 01.01.86.

2. The applicant's case is that he was working as A.S.M. In the seniority list of S.M./A.S.M. published in 1981, his name appeared at Sl. no. 379. It has been stated that the Railway Board by its order dated 27.07.83 had carried out ^{the} restructuring of the cadre by which

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a large number of posts in the higher grades of both S.M./A.S.M. were created. The applicant claims that by virtue of his seniority, he should have been promoted to higher grade of Rs. 455-700 with effect from 29.07.83 itself, in accordance with the Railway Board's instruction for filling up the higher posts.

3. The respondents contested the claim by filing written statement in which it has been stated that the applicant's position in the seniority list was 395. He was, however, not entitled to be promoted to the grade of Rs. 455-700 on the basis of modified selection procedure as he was in two grades below i.e. 330-560.

4. The respondents have filed a copy of instructions detailing the manner of selection to the higher post created as a result of restructuring of cadres. We have had an occasion to go through the relevant circular in connection with another case. We have seen therefrom that in the modified selection procedure no written test was required for selection posts and the selection was to be done only on the basis of record of the service. However, such modified procedure was applicable only for promotion to next higher grade and not for promotion to two grades higher post it was necessary to pass selection test. The applicant has not filed any rejoinder rebutting the content~~ion~~ of the respondents that he was in the pay scale of Rs. 330-560 on the date the restructuring orders were issued. In view of the foregoing we are on the view that the applicant was not entitled to be promoted to the higher grade of Rs. 455-700 on the basis of modified selection procedure. There is nothing on record to show that the

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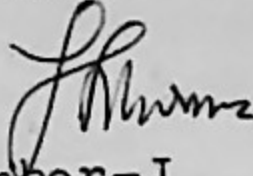
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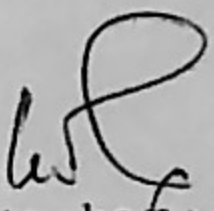
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applicant agitated the matter by filing representation to the authorities concerned. This application having been filed in November 1987 is clearly time barred.

5. In view of the foregoing, this application is dismissed both on the ground of limitation and also being devoid of merit.

6. There shall be no order as to costs.


Member-J


Member-A

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