

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

(4)

(AU)

D.A. No. 547/88

V.R. Khuliar

Applicant.

versus

D.R.M. Central Railway, Jhansi
and others.

Respondents.

Hon. Mr. D.K. Agrawal, Judi. Member.
Hon. Mr. K. Obayya, Adm. Member.

(Hon. Mr. K. Obayya, A.M.)

This application under section 19 of the Administrative Tribunals Act, 1985 was filed on 27.4.1988 for quashing the order dated 16.10.1987 (Annexure-11) and for a direction to the respondents to upgrade the post of Station Superintendent Ranipur Road with retrospective effect from 1.8.1982. This application was listed for admission on several dates but had to be adjourned at the request of the learned counsel for the applicant. We have heard the learned counsel for the applicant Shri R.K.Nigam and based on averments in the application, we proceed to dispose of this case.

2. The applicant entered the service in the Central Railway in Jhansi Division in 1948 as a Signaller. Later, he was promoted to the post of Asstt. Station Master. In 1984 he was promoted and posted as Station Master, Ranipur (Grade is 455-700). As a result of restructuring of cadres, certain posts of Station Master were upgraded and promotion to the post of Station Masters (Grade is 700-900) a selection test was

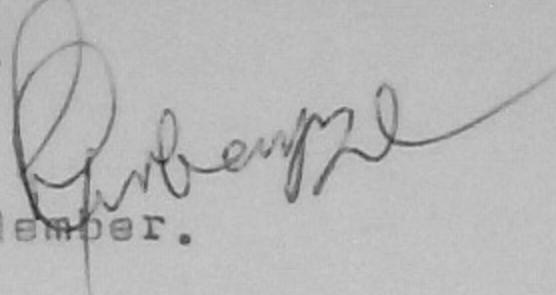
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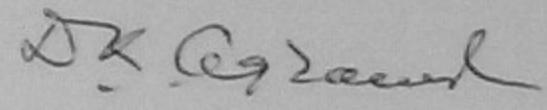
held. The applicant was successful at the selection and he was duly promoted and posted to Bharua Sumerpur. The applicant declined promotion and did not join at Bharua Sumerpur. He requested that he may be posted to a place nearer to Jhansi due to illness of his daughter. His refusal of promotion was accepted and the orders of promotion were cancelled for one year, his case was again considered and taking a sympathetic view the post of selection grade Station Master was shifted from Bharua Sumerpur to Ranipur and he was given the scale of selection grade Station Master (Rs 700-900) in 1985. The prayer of the applicant is that he should be deemed to have been promoted from the date of restructuring in 1982.

3. We have considered the averments in the petition and also annexures enclosed to the application. From Annexure A-11, it is very clear that he had given his refusal for promotion and this was accepted by the authorities. Having refused promotion, he had forfeited his claim for the higher scale or for seniority. His claim for selection grade (700-900) with retrospective effect from 1982 is misconceived. That was the year when the Railway Board's orders of restructuring were given effect to. Promotion to selection grade was not automatic. There was selection test, after completion of which only entitlement for promotion accrued. The selection test was held in 1984, the applicant was ~~was~~ successful, but declined the promotion. Consequently the promotion was ~~to be normed~~ cancelled. Next year he was again offered. However, this time, he accepted. His claim for selection grade Station Master's scale Rs 700-900 accrued only when he joined the

promotion post and not earlier.

4. In the circumstances, we find that there is no merit in the application. It would appear that he has retired from service and the claim relates to 1983, and he represented to the authorities on 2.9.87 before retirement. The application is also hit by delay and laches. The application is liable to be dismissed/and accordingly, it is dismissed at the admission stage with no order as to costs.


Adm. Member.


Judl. Member.

Allahabad Dt. 3rd Dec., 1990.