

(P.W.D.)  
b

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALIA HABAD BENCH

Registration O.A. No. 886 Of 1988

Mahavir Prasad ... Applicant

versus

Union of India and ors.... Respondents

Hon' Mr. J.P. Sharma, J.M.

Hon' (Maj.Gen) A.B. Gorthi, A.M.

(By Hon' (Maj.Gen) A.B. Gorthi, A.M.)

This is an application under section 19 of the Administrative Tribunals' Act, 1985 by Mahavir Prasad seeking promotion to the post of Office Superintendent Grade II with effect from 29-12-1987 and cancellation of the promotion of I.K. Dubey (Respondent no.3) to the said post from that date.

2. The applicant, a Head Clerk in the Central Railway, contended that his otherwise excellent record of service was tarnished by an unfair and malicious report rendered by his superior <sup>2 few</sup> in the year ending 31-3-1987. His superior did that for no other reason than to favour his junior I.K. Dubey who subsequently was promoted on 29-12-87 while the applicant remained superseeded.

3. In the counter affidavit filed on behalf of the respondents 1 and 2, it was stated that the applicant's record of service bears the under mentioned entries:

(i) Censure for carelessness - 6-7-72

(ii) Censure for serious misconduct - 27-8-77

(iii) Withholding of increments for 6 months  
for careless working 16-12-81

*Amalgam*

17/10/91  
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(iv) Withholding of increments for 24 months  
for careless working 18-1-84

4. Promotions on ad-hoc basis are made as per rules on the strength of the record of service. Accordingly the applicant was not promoted as Office Superintendent Grade II on an ad-hoc basis because of the adverse entries as enumerated above. Subsequently however, he appeared for the prescribed test held on 14-9-88, but failed to qualify. I.K.Dubey who was earlier promoted as Office Superintendent Grade II on ad-hoc basis, as his record of service was satisfactory, also appeared for the said test and passed the same. In view what has been aforesaid and in view of the submissions by the learned counsel for the applicant that he had no instructions to press the present application, we dismiss the application directing the parties to bear their own costs.

*A. S. Ray*  
MEMBER (A)  
(sns)

*J. S. Dhami*  
MEMBER (J)

February 21, 1991  
Allahabad.