

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD

Allanabad : Dated this 6th day of April, 2000

Original Application No.1568 of 1992

District : Bareilly

CURIA :-

Hon'ble Mr. S. Dayal, A.M.
Hon'ble Mr. Rafiuddin, J.M.

Raghbir Prasad Jain Son of Late Shri Bansidhar Jain,
Resident of 314-D, Mastaran Gali, Guddar Bagh,
Bareilly.

(Sri KML Hajela/Sri Anil Hajela, Advocates)

• • • • • Applicant

Versus

1. Union of India through Ministry of Railways,
New Delhi.
2. General Manager (Personnel)/Chief Personnel Officer,
N.E. Railway, Gorakhpur.
3. Controller of Stores, N.E. Railway, Gorakhpur.
4. District Controller of Stores, N.E. Railway,
Izatnagar, Bareilly.

(Sri A.V. Srivastava, Advocate)

• • • • • Respondents

O R D E R (U_r_a_l)

By Hon'ble Mr. S. Dayal, A.M.

This application has been filed for setting aside
the orders dated 9-1-1991 and 23-4-1992 passed by the
respondents. The applicant has also sought a direction to
the respondents to promote him as OS-II w.e.f. 1-6-1979.
The applicant has sought promotion as OS-I in the scale of
Rs.700-900 w.e.f. 1-1-1984 with consequential monetary
benefits. The applicant has claimed that he was due to
be promoted as OS II from 1-6-1979. The promotion was
subject to passing the departmental examination OS Gde II.
The departmental examination should have been held in 1980
but was held in February, to April 1983 and the applicant

was declared unsuccessful vide letter dated 14-4-1983. The applicant was not promoted as OS II and he was undergoing punishment for two years as his increment was withheld temporarily from 1-1-1983 to 31-12-1984 in the scale of pay of Head Clerk. The representation of the applicant for granting him promotion from earlier effect because if the selection had been finalised earlier he would have been promoted before 1-1-1983 when he was not undergoing any punishment, was turned down by the respondents by letter dated 9-9-1991 and the Appeal was also rejected by order dated 23-4-1992. In the light of these facts the applicant has claimed the reliefs.

2. None was present for the applicant. Arguments of counsel for the respondents have been heard. Pleadings on record have been taken into consideration.

3. The applicant has claimed promotion as OS-II & I from 1-1-1984 on two counts. The first is that if the departmental examination for selection to the post of OS II had been held in 1980 and not in 1983, he would have been promoted as he was free from punishment at that time. This argument carries no weight and is hypothetical in nature. The fact that the examination was held from February to April 1983 and the result was declared in 1983 is admitted by the applicant himself. The applicant was undergoing punishment in the year 1983-84 and, therefore, he was not promoted.

4. The second contention of the applicant is that certain other persons who were in similar circumstances were promoted. The applicant has in this connection mentioned the name of Sri B.S. Rakhgi, Sri Gyan Singh and Sri S.R. Sonkar. He has not mentioned the date of promotion of these officials but has mentioned that Sri Gyan Singh was promoted on 1-8-1982. Sri Gyan Singh was undergoing

similar punishment as the applicant was undergoing in 1983-84 his promotion w.e.f. 1.8.1982 does not appear to be tainted by any discrimination. As a matter of fact, the name of Sri Gyan Singh is not in the list dated 14.4.1983 (Annexure-1). The date on which he had cleared the examination for the post of O S-II has not been given by the applicant. The names of Sri Gyan Singh, Sri B.S. Rekhi and Sri S.R. Sonkar are not included in the order dated 14.4.1983 (Annexure-1).

5. Therefore, we hold that the applicant is not entitled to the relief sought by him. The application is dismissed as lacking in merits. There shall be no order as to costs.

Rafiquddin
Member (J.)

[Signature]
Member (A.)

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