

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

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Allahabad : Dated this 22nd day of December 1999

Original Application No.1627 of 1992

District : Kanpur

CORAM :-

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

Hon'ble Mr. S.K.I. Naqvi, J.M.

Ishtiaq Ali S/o Late Shri Ashfaq Ali,
R/o N.Rly. Qr No.219 'C'
City Side Kanpur, Asst Guard,
N.Rly Kanpur Central.

(Sri R.S. Mishra, Advocate)

• • • • • Applicant

Versus

Union of India represented by
D.R.M. N. Rly, Allahabad.

• • • • • Respondent

O R D E R (Oral)

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

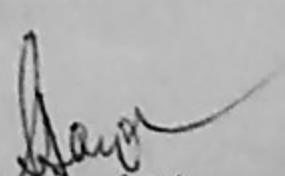
This application has been filed for a direction to the respondents to post the applicant as Assistant Guard in the grade of Rs.950-1500 on the lien against the vacancy on retirement of Mahesh Prakash.

2. The case of the applicant is that was promoted as Assistant Guard in 1986 and had qualified Chandausi Course in the course of Assistant Guard in 1989. The posting of the applicant is claimed to have been ordered on the vacancy occurring on retirement of Shri Mahesh Prakash on 31-1-1991. It is claimed that the respondent's office did not comply with the ^{Order} and posted some different persons on the post. It is claimed that persons junior to him have been posted on the vacancy which occurred thereafter.

3. The counter affidavit filed by the respondents states that the applicant was promoted on ad hoc basis by the Office Note No.957-E/Asst. Guard/83 dated 11-2-1987 and reverted to his substantive post in the grade of Rs.800-1150(RPS) and posted under CIT/CNB vide notice no.941-E/ET-IV/CA/85 dated 20-3-1989. It is stated in the counter reply that the applicant was booked to ZTS/CH for P-24 course from 4-8-1987 to 1-9-1987 and the applicant was declared eligible for Supplementary Course in the office result No.361 dated 6-10-1987. Thereafter the applicant was sent for Supplementary Course in March, 1988 but failed vide result no.428 dated 5-4-1988. The applicant was again booked for P-24 course from 1-9-1989 to 26-9-1989 and was declared Supplementary in commerce vide result no.738 dated 15-1-1990. The applicant was again booked in Supplementary Course in March, 1990 and he was declared passed vide result no.838 dated 26-5-1990. It is claimed that the applicant was promoted and posted as Assistant Guard under SS/CNB vide notice No.957E/Asst.Guard/83 dated 28-8-1990. The applicant was posted against the vacancy caused by the retirement of Sri Mahesh Prasad, Assistant Guard by order dated 28-8-1990.

4. In the light of the above facts, the relief sought for by the applicant of being posted as Assistant Guard against the vacancy on 31-1-1991 appears to be misconceived. No rejoinder affidavit to the counter affidavit has been filed by the applicant to the above facts revealed in the counter affidavit. Therefore, the OA is dismissed as lacking in merit. There shall be no order as to costs.


Member (J)


Member (A)

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