

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

D.A. No: 1817/92

T.A. No:

DATE OF DECISION: 25/5/94

N.C Rathore

PETITIONER.

ADVOCATE FOR THE
PETITIONER

VERSUS

General Manager, N.Rly New Delhi. RESPONDENTS.

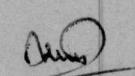
ADVOCATE FOR THE
RESPONDENTS.

COURT

The Hon'ble Mr. Makaraj Din, J.M

The Hon'ble Mr. Miss Usha Sen, A.M

1. Whether Reporters of local papers may be allowed to see the judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgement?
4. Whether to be circulated to all other Bench?


SIGNATURE
**

JAYANTI/

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

Original Application No: 1817 of 1992

N.C.Rathore Applicant.
Versus

General Manager,
Northern Rly., New Delhi..... Respondents.

Hon'ble Mr. Maharaj Din, Member-J

Hon'ble Miss Usha Sen, Member-A

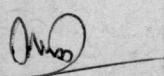
(By Hon'ble Mr. Maharaj Din, J.M.)

The applicant has filed this application seeking the relief of direction to the respondents to give benefit of the promotional post of next below rule (NBR) (promotion) to the applicant with retrospective effect.

2. The applicant entered in the service of Northern Railway Jodhpur as a Clerk in the year 1958. He was promoted as a Senior Clerk w.e.f. 22.10.1982. He claims to have become eligible for being promoted to the post of Assistant Superintendent. It is stated that his juniors were promoted on the said post w.e.f. 1.8.1989.

3. The respondents filed Counter Reply and have almost admitted to give the relief of promotion to the higher rank as ^{The} ^{of the applicant as} his name was left out for being considered on the promotional post by mistake.

4. We have heard the learned counsel for the parties and have gone through the record of the case.

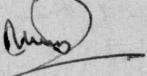


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From the rival contention of the parties, it is clear that the applicant was to be considered for promotion to the post of Assistant Superintendent atleast w.e.f. the date, his juniors were promoted provided, he passed the examination. The applicant has filed the Rejoinder Affidavit and ^a has stated that he has cleared the selection test and was finally selected for the post of Assistant Superintendent in the scale of Rs. 1600-2660/-². To this effect, he has filed Annexure RA-1 which shows that the applicant has cleared the selection test for the post of Assistant Superintendent and in the list ^{name} his ^a appeared at Sl. No. 1. So far as the relief claimed for promotion to the post of Assistant Superintendent ² ~~has already been admitted to be given, by~~ the respondents in their Counter Reply have admitted to give the benefit to the applicant with retrospective effect.

5. Considering these facts and the admission made in the Counter Affidavit, we dispose of the application with a direction to the respondents that the promotion to the applicant should be given with benefit from the date when his immediate junior was promoted as a consequence of the selection held in the year, 1989. There will be no order as to cost.

M
Member-A


Member-J

Allahabad Dated: 2.5.1994

/jw/