CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH ALLAHABAD

Original Application No. 1830 of 1994

Allahabad this the 28th day of May, 2002

Hon'ble Mr. Justice R.R.K. Trivedi, V.C. Hon'ble Mr.C.S. Chadha, Member (A)

Arjun Lal S/o Shri Sharda Deen, Working as Trurner, under Workshop Foreman (Engg) Northern Railway, Subedarganj, Allahabad.

Applicant

By Advocate Shri Anand Kumar

Versus

- Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
- 2: Divisional Railway Manager, Northern Railway, Allahabad.
- 3. Assistant Engineer(G), Northern Railway, D.R.M's Office, :Allahabad. Respondents

By Advocate Shri A. Tripathi

ORDER (Oral)

By Hon'ble Mr.C.S. Chadha, Member (A)

This O.A. has been filed by the applicant claiming promotion to the grade of Fitter Grade II (Rs.1200-1800) and later as Fitter Grade I(Rs.1320-2040) on the ground that his juniors in the grade of Turner to which he was recruited, have already been promoted to that scale.

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In their counter-affidavit and Counter-affidavit the respondents have averred that the applicant although recruited as Turner to change his line and became Fitter Grade III and he no more has any lien in the category of Turner. It has also been averred that in the notice inviting the applicant for a trade test dated 09.11.95 against the name of the applicant, the word 'Turner' was mentioned as a clerical mistake, and this was detected on the very next day i.e. on 10.11.95 and a corrigendum was also issued, corrigendum is at annexure C.A .- 2 dated 10.11.95. It has been clarified in the corrigendum that the trade test was for the grade of Rs.950-1500. It has , therefore , been averred by the respondents that the applicant who is already Fitter Grade III cannot claim promotion to Fitter Grade II and Fitter Grade I as there are no vacancies of the said post. Further the respondents have also written to the higher authority for creation of the post so that the applicant can be considered in his due turn for promotion to the level of Fitter Grade II and Fitter Grade I. However, no such vacancy has yet been created The respondents have, therefore, claimed that the applicant was well aware of the prospects after change in the cadre and cha/nel for promotion. This was also made clear to the applicant in counciling with the senior authorities. He cannot benefit of promotion in the channel which he has already foregone, on his own volihon

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From the above discussions, it is quite

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clear that no injustice has been done to the applicant. He has changed his line of promotion on his own volition and is not entitled to any benefit specially because there are no vacancias for being promoted him as Fitter Grade II and Fitter Grade I. The O.A. is therefore, rejected. No order as to costs.

Member (A)

Vice Chairman

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