

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

Dated: Allahabad, this 16th day of November, 2000

Coram: Hon'ble Mr. Justice R.R.K. Trivedi, VC
Hon'ble Mr. S. Dayal, A.M.

Original Application No. 1865 of 1994

Mohd. Saheed, aged about 39 yrs.,
s/o Mohd. Ishaq,
r/o 194, Issai Tola,
Prem Nagar, Jhansi.

. . . . Applicant

(By Advocate Sri R.K. Nigam)

Versus

1. Union of India, through General Manager,
Central Railway, Bombay VT.
2. Divisional Railway Manager,
Jhansi.
3. Loco Foreman, Loco Shed, Central Railway,
Jhansi.


. . . . Respondents

(By Advocate Sri A.K. Gaur)

ORDER (Open Court)

(By Hon'ble Mr. Justice R.R.K. Trivedi, VC)

This application u/s 19 of the Administrative (Tribunals) Act, 1985 has been filed challenging the order dated 1st June, 1993, by which the applicant has been deprived promotion and Sri Kharag Singh, s/o Sri Lalloo Singh was promoted and posted as Crane Fireman in the grade of Rs. 800- 1150/- and the applicant Mohd. Saheed, who was officiating as Crane Fireman, has been reverted back to his original post. The learned counsel for the applicant has submitted that


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the applicant passed the Trade test and was awarded a certificate, which is Annexure A-II to the OA, and as he has worked on the post of Crane Fireman for more than 18 months, he should not be reverted. Counter Affidavit has been filed by the Respondent, in Para-9 whereof it has been stated that the applicant was given officiating chance as Crane Fireman on 13th June, 1999 with clear stipulation that he would be reverted to the substantive post, after duly selected incumbent became available. In the present case, Sri Kharag Singh was given regular promotion to the post of Crane Fireman. Hence the applicant, who was serving in the officiating capacity, cannot resist his appointment. Further, the applicant has not impleaded Sri Kharag Singh as Respondent in this case and has not challenged his promotion. For this reason also, he is not entitled to get reliefs from this Tribunal. The Application has no merit and is dismissed. However, no order as to costs.



A.M.



V.C.

Nath/