

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH  
ALLAHABAD

Allahabad : Dated this 27th day of April, 2001.

Original Application No. 462 of 1995.

CORAM :-

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

Hon'ble Maj Gen KK Srivastava, A.M.

Yogesh Chander Gaur,  
Son of Late Brij Bahadur Lal Gaur,  
Resident of House No. ML-67, Ashok Vihar Colony,  
Pahariya, Varanasi.

(Sri R.C. Johari, Advocate)

..... Applicant

Versus

1. The Union of India through its General Manager, Northern Railway, Headquarters Office, Baroda House, New Delhi.
2. The Deputy Chief Commercial Manager (Claims), Northern Railway, Station Building, Varanasi.

(Sri D.C. Saxena, Advocate)

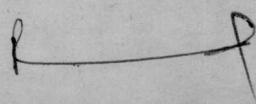
..... Respondents

O R D E R (O\_r\_a\_1)

By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

By this OA the applicant has claimed his promotion to the post of Assistant Superintendent/Typist in the pay scale of Rs.1600-2660 w.e.f. 1-3-1993 as per notification of the Railway Board No. PC-III/91/CRC/1 dated 27-1-1993. The applicant's claim was rejected by the respondents on 19-1-1995 (Annexure-1). Reasons stated in the order are as under :-

"In reference to your application it is informed that your case for promotion to Asst. Supdt. Ty. grade Rs.1600-2660 (RP) has been examined. Since you had already

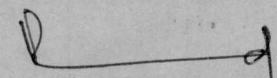


been retired from Rly service on 30-6-1994 and one post of Asst. Supdt/Ty. grade Rs.1600-2660 (RP) was upgraded in restructuring W.E.F. 1-3-93 and your name was at S.No.2 in the seniority list, so you could not be selected for the post of Asst. Supdt grade Rs.1600-2660 (RP)."

2. From the aforesaid order it is clear that the applicant was not promoted as in the seniority list he was shown at Ser.No.2 and he had already retired from service on 30-6-1994. Learned counsel for the applicant has placed before us the seniority list (Annexure-4) from perusal of which it appears that Sri Chhote Lal was senior to the applicant. His date of birth was 03-3-1938 whereas the date of birth of the applicant was 09-6-1936. On the post ~~of grade~~ <sup>in question</sup> Sri Chhote Lal was given officiating charge. The post was only one. The applicant must have retired before Sri Chhote Lal. <sup>and after retirement</sup> The applicant has not impleaded either Sri Chhote Lal Or Sri Ram Nath in this OA who <sup>were</sup> necessary parties. In the circumstances, in absence of necessary parties, the effective relief cannot be given to the applicant, as the post was only one.

3. For the reasons stated above, we do not find any merit in this OA. The OA is accordingly dismissed. There shall be no order as to costs.

  
Member (A)

  
Vice Chairman

Dube/