

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 20th day of February, 2003.

Original Application No. 802 of 1995.

Hon'ble Mr. Justice R.R.K. Trivedi, Vice-Chairman.  
Hon'ble Maj. Gen. K.K. Srivastava, Member- A.

A.J. Khan, CMI,  
Railway Board (Deputation, New Delhi.

.....Applicant

Counsel for the applicant :- Sri Arvind Kumar

V E R S U S

1. Union of India through the General Manager,  
Northern Railway, Baroda House, New Delhi.
2. The Divisional Railway Manager,  
Northern Railway, Allahabad.


.....Respondents

Counsel for the respondents :- Sri Prashant Mathur

O R D E R (Oral)

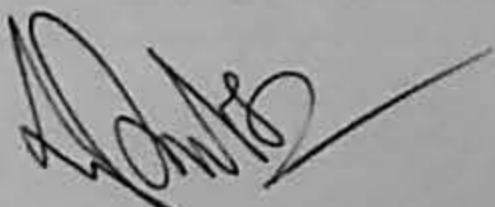
By Hon'ble Mr. Justice R.R.K. Trivedi, Vice-Chairman.


By this O.A under section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for quashing of the order dated 23.06.1994. However, this relief has not been pressed by the counsel for applicant as the circular dated 23.06.1994 has been upheld by the Hon'ble Supreme Court in case of U.O.I and Ors. Vs. M. Bhashkar reported in 1996 SCC (L&S) 967. So far as the second relief is concerned, learned counsel for the applicant has submitted that the applicant should be given the grade of Rs.1600-2660 w.e.f 15.05.1987 or atleast w.e.f 11.12.1991 when the applicant was empanelled for promotion as Commercial Apprentice. A copy of the order dt.11.12.1991 has been filed as annexure A-8.



2. It is not disputed that the applicant has been allowed to join <sup>as</sup> Commercial Apprentice w.e.f 23.02.1994 and is presently serving as Commercial Apprentice. However, he is claiming the grade of Commercial Apprentice i.e. 1600-2660/- w.e.f 11.12.1991. However, we do not find any merit in the claim of the applicant. The order dated 11.12.1991 <sup>contained</sup> ~~containing~~ conditions that the promotion shall be given only to those who have completed course P-28A and P-28B. The learned counsel for the applicant has not placed before us any document on which basis it may be said that he had passed the aforesaid course at any time in the year 1991 or thereafter. Learned counsel for the applicant only relied on copy of order dated 20.08.1987 wherein it was said that the applicant may be permitted to join as Adhoc Commercial Apprentice and for this purpose he <sup>was</sup> ~~got~~ given exemption <sup>from</sup> ~~for~~ training. The aforesaid exemption was for a limited purpose to permit the applicant to join as Adhoc Commercial Apprentice, <sup>to which</sup> ~~he~~ could not <sup>be</sup> ~~applied~~ <sup>in respect of</sup> his selection vide order 11.12.1991 on regular basis. Thus, we do not find any merit in this O.A and is accordingly dismissed.

3. There will be no order as to costs.

  
Member- A.

  
Vice-Chairman.

/Anand/