

(15)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,  
ALLAHABAD.

Dated: Allahabad, this 11th day of January, 2001.

Coram: Hon'ble Mr. S. Dayal, A.M.

Hon'ble Mr. S.K.I. Naqvi, J.M.

Original Application No.972 of 1995

A. C. Dubey,  
s/o Sri Munna Ji Dubey,  
aged about 41 years,  
r/o E/4-A, Railway Colony,  
Mau District Mau.

. . . . . Applicant

(By Advocate Sri O.P. Gupta )

Versus

1. Divisional Railway Manager,  
N.E. Railway, Varanasi Division,  
Varanasi.
2. General Manager,  
N.E. Railway, Gorakhpur Hqrs.,  
Gorakhpur.
3. Union of India through Secretary,  
Ministry of Railway, Govt. of India,  
New Delhi.

. . . . . Respondents

(By Advocate Sri A.K. Gaur)

O R D E R

(Open Court)

(By Hon'ble Mr. S. Dayal, A.M. )

This application under Section 19 of the Administrative Tribunals Act, 1985 has been filed for setting aside the cancellation order dated 30.8.1995, issued by the Respondent No.1 and a direction is also sought to the Respondents to allow the applicant to work continuously in the grade of Rs.2000- 32000, with consequential benefits. A direction has also been sought to hold selection for making promotion to the grade of Rs.2000- 3200 and permit the applicant to appear in the said selection.

Contd..2

2. The facts, as narrated by the applicant, are that the applicant was promoted on ad hoc basis to the grade of Rs.2000- 3200 with effect from 11.1.95. It was mentioned in the promotion order that the promotion will come to an end on regular selection by the Headquarters. The promotion order was cancelled by the Respondent no.1 by an order dated 30.8.1995, and it was mentioned that the post of D.B.M./Deputy Shop Superintendent was to be filled up by the General Manager, as it was a Headquarters controlled post. The applicant preferred a representation to the Respondent no.2 for regular promotion to the scale of Rs.2000- 3200, as they were vacant posts.

3. We heard arguments of Sri O.P. Gupta <sup>for the applicant</sup> and Sri M.K. Shama, brief holder of Sri A.K.Gaur for the respondents.

4. The learned counsel for the respondents has mentioned that the applicant was given an opportunity to appear at the test for the selection of D.B.M./Dy. Shop Superintendent and the applicant appeared before the Selection Committee, but could not qualify in the test.

5. In view of these averments in the counter reply, we find that there is no case for consideration of the applicant to the grade of Rs.200-3200 by cancellation of order dated 30.8.1995. Hence, the Q.A. is dismissed as lacking merit. No order as to costs.

*J.M.*  
J.M.

*A.M.*  
A.M.

Nath/