

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 28th day of January, 2004.

Original Application No. 462 of 2003.

Hon'ble Mr. Justice S.R. Singh, Vice-Chairman.
Hon'ble Mr. D.R. Tiwari, Member- A.

Roop Lal Srivastava, EX ACTI/CR/Jhansi
S/o Late J.L. Srivastava,
R/o Naveen Villa, 55, Girjeshwar Temple,
Gandhi Ward, Bina, M.P.

.....Applicant

Counsel for the applicant :- Sri S.K. Mishra

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V E R S U S

1. The Union of India through the General Manager North Central Railway Allahabad.
2. The Divisional Railway Manager North Central Railway, Jhansi.
3. The Senior Divisional Personal Officer North Central Railway, Jhansi.
4. The Divisional Commercial Manager, North Central Railway, Jhansi.

....Respondents.

Counsel for the respondents :- Shri S.K. Anwar

O R D E R

By Hon'ble Mr. Justice S.R. Singh, V.C.

As a result of selection held on 31.05.2001 to consider the staff of Commercial Department for promotion to the post of Chief Ticket Inspector (C.T.I) Grade Rs. 6500-10500/- (RSRP) in Commercial Department, a panel was notified on 12.06.2001 (Annexure- 4) in which the name of the applicant finds place at Sl.No. 7 amongst the

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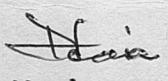
ie. general
un-reserved category candidates. Actual promotion order came to be issued on 03.01.2003 (Annexure-1). The applicant in the meantime retired on attaining the age of superannuation in the after-noon of 31-12-2002. His name does not find place in the office order dated 03.01.2003 by which effect to the select list has been given. The office order dated 03.01.2003 is sought to be quashed coupled with direction to the respondents to promote the applicant to the post of C.T.I Grade Rs. 6500-10500/- (RSRP) w.e.f 12.06.2001 and grant him all consequential post retiral benefits.

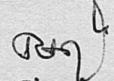
2. The applicant was no doubt selected and empanelled for promotion to the post of C.T.I but effect to the empanelment came to be given by office order dated 03.01.2003 with immediate effect. The contention of the learned counsel for the applicant that the selection and empanelment should be implemented w.e.f 12.06.2001 the date on which the panel was prepared cannot be countenanced for mere selection does not confer any right to be promoted. The prayer for setting aside the office order dated 03.01.2003 in so far as it excludes the name of the applicant is misconcieved. However, counsel for the applicant has submitted that the delay in implementation of the panel has not been satisfactorily explained and, therefore, the applicant should be deemed to have been promoted w.e.f 01.01.2003 the date on which the competent authority at the Head Quarters took a decision that the panel declared before 08.03.2002 should be treated valid and in that view of the matter the C.T.I's panel which had already been declared on 12.06.2001 "may now be operated". We are of the view that the letter dated 01.01.2003 (Annexure CR- 3) contains a policy decision to the effect that the panel ^{prepared} before 08.03.2002 should be treated as valid and implemented but that by itself does not confer any right in favour of the

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selected candidates to be promoted w.e.f the date decision was taken by the competent authority at the Head Quarters in as much as right in a post is acquired w.e.f the date the panel is operated and one is promoted and posted. The panel, in the instant case, came to be operated on 03.01.2003 and the applicant had in the meantime retired in the after-noon of 31.12.2002. In order to get benefit of empanelment the empanelled candidates must have subsisting right on the date the panel is implemented. Had it been implemented from 01.01.2003, the applicant ^{been} may have, perhaps, been given benefit of deemed promotion in view of the Full Bench decision of the Tribunal in the case of Venkatram Rajagopal and Anr. vs. U.O.I and Ors reported in 1997 Administrative Tribunals Full Bench Judgments, Pg. 50. But it was actually operated with effect from 03.01.2003. Since the applicant retired in the after-noon of 31.12.2002 while the panel came to be implemented on 03.01.2003, the applicant cannot claim any right on the basis of the panel drawn on 12.06.2001.

3. In view of the above discussion, we find no merit in the O.A. The same is accordingly dismissed. No costs.


Member- A.


Vice-Chairman.

/Anand/