

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD**

Allahabad, this the 16th day of October, 2012

Hon'ble Mr. Sanjeev Kaushik, Member-J
Hon'ble Mr. Shashi Prakash, Member- A.

Original Application No. 1093 of 2007
(U/s 19 of Administrative Tribunal Act, 1985)

Bachchu Lal Patel, aged about 48 years, Son of Shri Beni Deen Patel, resident of 26/2-A, Shivkuti Mahadeo, Post Office – Teliarganj, District – Allahabad, Presently working as Senior Clerk in the Office of Divisional Railway Manger, North Central Railway, Allahabad.

..... **Applicant.**

By Advocate: Shri P.C. Shukla (not present)

V E R S U S

1. Union of India through Secretary , Railway Board, Rail Bhawan, New Delhi.
2. The Director, Establishment (G), Railway Board, New Delhi.
3. The General Manager, North Central Railway, Allahabad.
4. Divisional Railway Manager, North Central Railway, Allahabad.

..... **Respondents**

By Advocate : Shri R.K. Rai

ORDER

By Hon'ble Mr. Sanjeev Kaushik, J.M.

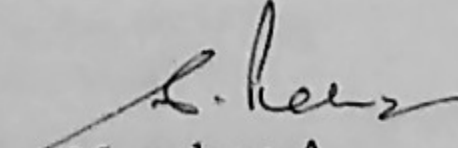
Sri P.C. Shukla, counsel for the applicant is on leave on the ground of his illness. This was the situation on earlier occasions also i.e. on 27.07.2012, 24.05.2012, 23.04.2012, 01.02.2012 and 21.11.2011. Apart from this the matter has also been adjourned on several occasions at the behest of counsel for the applicant on one ground and the other. Hence we decided to proceed with the matter

by exercising power under rule 15(1) of C.A.T (Procedure) Rules 1987. We have heard Shri R.K. Rai, learned counsel for the respondents and also gone through the pleadings.

2. By way of the present original application under section 19 of Administrative Tribunals Act 1985 the applicant seeks quashing of the order dated 07.05.2007 passed by respondent No. 2 (Annexure-1) and further direction to the respondents to appoint the applicant on an alternative post of Group 'C' in pay scale of Rs. 330-560 since 01.01.1983 to 1989 in place of group 'D' post.

3. We have gone through the impugned order dated 07.05.2007. The impugned order is very categorical and clear that since the applicant did not clear the examination, which is mandatory for the post of ASM, therefore, he was not offered appointment to the post of ASM in pay scale of Rs. 330-560. Subsequent to that on his mercy application the applicant was offered alternative appointment in Group 'D' category in pay scale of Rs. 196-232 on 08.05.1986 and he accordingly resumed the duty on 06.06.1986. The prayer of the applicant that he be given benefit of past service cannot be accepted as he did not clear the mandatory examination. Accordingly we find no reason to unsettle the impugned order.

4. In view of the above the O.A is dismissed. No costs.


Member-A.


Member-J.

Anand/