

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH
~~NEW DELHI~~O.A. No. 258
~~T.A. No.~~

1987

DATE OF DECISION 5.3.1991

Shri Balvirsinh ~~Gr~~ Petitioner

Mr. D. M. Thakkar Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent

Mr. B. R. Kyada Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. P. H. Trivedi : Vice Chairman

The Hon'ble Mr. R. C. Bhatt : Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?

Shri Balvirsinhj G.
975, Block No.132,
Gujarat Housing Board Flats,
Chandkheda,
District Gandhinagar.

: Petitioner

Versus

1. Union of India
Through:
The General Manager,
Western Railway,
Churchgate, Bombay.

2. The Divisional Railway
Manager (E), Rajkot
Division, Divisional Office,
Kothi Compound,
Rajkot.

: Respondents

Coram : Hon'ble Mr. P.H.Trivedi

: Vice Chairman

Hon'ble Mr. R.C.Bhatt

: Judicial Member

O R D E R

Date: 5.3.1991

Per: Hon'ble Mr. P.H. Trivedi

: Vice Chairman

Neither the petitioner nor his advocate present.

The case was earlier adjourned at the instance of the petitioner/it is the case of 1987 we are inclined to dispose of it on merits. Mr.B.R.Kyada, learned advocate for the respondents states that the petitioner might be said to have no cause to survive because on 27.10.89 a promotion order of top passenger driver was given to him. The petitioner has impugned the order dated 22nd July, 1986 in which 31 persons have been promoted but his name is not found in it. The reply of the respondents to that is the petitioner was in the scale of Rs.290-400 and was due to be promoted on the upgraded basis of Rs.330-560 as Goods Driver w.e.f. 1.1.1984. This promotion was eventually given to him from 19.11.1987. The petitioner was called for viva voce test for the post of Driver Grade 'C' vide letter dated 20.5.1985 but he could not find ~~in~~ the place on the panel notified on 8.11.1985. Thereafter, however, the benefit of pay was extended from 1.1.1984 retrospectively.

The post of Driver 'C' is a selection post and because the petitioner could not make ~~the~~ grievance that he could not be promoted earlier.

2. On a perusal of the impugned order, we find that the promotions ~~in that therefore~~ were on a provisional basis and in terms subject to result of the Supreme Court decision in pending writ petition. The learned advocate for the respondent could not intimate to us the latest position on this. Our conclusions, findings and directions therefore have to be subject to ~~that~~ of the Supreme Court's decision if any.

3. After hearing the learned advocate for the respondents and on perusal of the pleadings, we do not find that the petitioner has satisfactorily made out his case regarding the relief sought by him of promotion to Driver 'C' either in terms of his juniors having an inferior right of promotion or challenged the impugned order of 22.7.1986. Accordingly, subject to the observations stated earlier, the petition has no merit and is rejected. There shall be no order as to costs.

Nesrul
(R.C.Bhatt)
Judicial Member

Phewar
(P.H.Trivedi)
Vice Chairman