

NO 6
Promotion

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. 158 OF 1989.
~~MAXNEX~~

DATE OF DECISION 03rd December, 1992.

Shri Maheshkumar Amthabhai Nirala, Petitioner

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

Versus

Union of India and others. Respondent

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

CORAM :

The Hon'ble Mr. N.V.Krishnan : 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 ?

Maheshkumar Amthabhai Nirala,
an employee working as PWI Gr.II,
in the Western Railway at Prantij,
in Sabarkantha District, and
residing at - Railway Station Yard,
PWI Bungalow, Prantij,
District - Sabarkantha.

...Applicant.

(Advocate : Shri D.M.Thakkar)

Versus

1. Union of India
(Notice to be served through
The General Manager,
Western Railway,
Churchgate,
Bombay.)
2. Divisional Railway Manager,
Kothi Compound,
Rajkot.

...Respondents.

(Advocate : Shri B.R.Kyada)

O R A L O R D E R
O.A. NO. 158 OF 1989.

Date : 3rd Dec.1992.

Per : Hon'ble Mr.N.V.Krishnan : Vice Chairman

Shri D.M.Thakkar, learned counsel for the applicant.

Shri B.R.Kyada, learned counsel for the respondents.

2. We have heard the parties. The applicant was promoted to the post of P.W.I.-Grade-I, in May, 1986. His claim is that as his juniors have been promoted from 1.1.1984, he should also be given promotion with effect from the same date.

3. The respondents have stated in para-11, of their reply that the benefit of upgradation of the post and promotion from 1.1.1984, was not given to the applicant, because there were adverse remarks in the service records in the immediately,

preceding year.

4. In respect of these adverse remarks, the applicant had made a representation for expunging them. As that representation was not disposed of, he filed a SCA/6407/84, in the High Court of Gujarat, which was received in this Tribunal on transfer and registered as TA/387/86. It was disposed of by the order dated 9th February, 1988, (Annexure-A), by directing the competent authority to decide the representation and if it found that the representation had merit in it, the adverse remarks should stand expunged, in which case, it was further directed that the deemed date of promotion given to the applicant should be 1.1.1984, i.e. the date from which the applicant's juniors had been given the benefit of such promotion.

5. The representation against the adverse remarks was considered in pursuance of this direction, and rejected by the Annexure-A-2, order dated 8.9.88, of the competent authority, and this order has become final. In this view of the matter, and in the light of the directions contained in the earlier judgment of the Tribunal (Annexure-A) the applicant does not become entitled to retrospective promotion and therefore, there is no merit in this application.

6. Accordingly, this application is dismissed.

Ans
(R.C.Bhatt)
Judicial Member

Ans
(N.V.Krishnan)
Vice Chairman