

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A.NO. 438/92
T.A.NO.

DATE OF DECISION 06.11.1998

Ahmedali Ismailbhai **Petitioner**

Mr. H.D. Vasavada **Advocate for the Petitioner [s]**
Versus

Union of India & another **Respondent**

Mr. N.S. Shevde **Advocate for the Respondent [s]**

CORAM

The Hon'ble Mr. **V. Ramakrishnan, Vice Chairman**

The Hon'ble Mr. **P.C. Kannan, Member (J)**

JUDGMENT

- 1, Whether Reporters of Local papers may be allowed to see the Judgment ? *no*
- 2, To be referred to the Reporter or not ? *✓*
- 3, Whether their Lordships wish to see the fair copy of the Judgment ?
- 12* 4, Whether it needs to be circulated to other Benches of the Tribunal ? *✓*

Ahmedali Ismailbhai
Residing at Laxmpura,
Sheri Plot No.5, Dhudhraj Road,
Surendranagar

... Applicant

(Advocate: Mr. H.D. Vasavada)

VERSUS

1. The Union of India
through
General Manager,
Western Railway, Churchgate,
Bombay.
2. Divisional Railway Manager,
(Western Railway),
D.R.M. Office,
Rajkot.
3. Usman V. (Shunter),
Loco Staff, Loco Shed,
W.R. Hapa,
Dist: Jamnagar.

... Respondents

(Advocate: Mr. N.S. Shevde)

ORAL ORDER

O.A./438/92

2

Dated: 06.11.1998

Per: Hon'ble Mr. V. Ramakrishnan, Vice Chairman

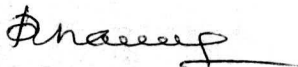
Neither the applicant nor his counsel present. They have not been present on earlier occasions also. On the last occasion, a notice was sent by Registered Post Acknowledgement due to the counsel more than a month back. Despite this, the counsel is not present. We propose to dispose of the OA on the basis of the materials on record and with the assistance we have received from Mr. Shevde.

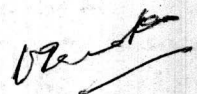
2. We find that the relief sought for is stated to be under the provisions of circulars passed by the Railway Board from time to time and is in their possession and the petitioner's case should be considered for promotion to the post of Shunter-cum-Driver in the pay scale and he should be placed above respondent no.3. From the reply statement, it appears that the applicant has crossed the age of 50 and as such is not eligible for the post as asked for by him. There is a clear averment that the applicant is not coming within the four corners of eligibility either on the basis of seniority or qualification or age and that no similarly situated juniors have been considered. This statement has remained unrebutted in the absence of any rejoinder filed by the applicant. As

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brought out earlier, despite grant of some opportunities, the applicant's counsel has not made any submission. We, therefore, proceed on the basis of the reply statement of the Railways that the applicant was not promoted as he was not eligible in terms of the relevant rules and instructions.

3. In the light of the above, the OA is devoid of merit and is dismissed. No costs.


(P.C. KANNAN)
MEMBER(J)


(V. RAMAKRISHNAN)
VICE CHAIRMAN

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