

NO  
Promotion

T.A. No.

9.3.1993

Petitioner

Advocate for the Petitioner(s)

## Versus

Respondent

Advocate for the Respondent(s)

**CORAM :**

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

The Hon'ble Mr. V. Radhakrishnan, Admn. 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 ? ✕

Ishaq Abdulmajid,  
Senior Cleaner,  
Electrical Power Department,  
Baroda Divisional Office,  
Office of the Western Railway,  
Baroda. .... Applicant.

(Advocate: Mr. Rupen Shah  
for Mr. B.R. Buch)

Versus.

Union of India, to be served  
through Senior Divisional Engineer,  
Western Railway, Baroda,  
Railwaypura, Baroda. .... Respondent.

ORAL ORDER

O.A.No. 56 OF 1993

Date: 9.3.1993.

Per: Hon'ble Mr. R.C.Bhatt, Judicial Member.

Heard Mr. Rupen Shah for Mr. B.R. Buch,  
learned advocate for the applicant.


2. The applicant, a Senior Cleaner, <sup>has</sup> filed  
this application under section 19 of the  
Administrative Tribunals Act, seeking the relief  
that the respondents Western Railway, Baroda Office  
be directed to consider the case of the applicant  
for promotion. Unfortunately it is not mentioned  
as to which post <sup>he</sup> wants to consider for promotion.  
On enquiry <sup>from</sup> ~~the~~ learned advocate for the applicant,  
it appears that the applicant on passing the trade  
test was given a promotion, but he refused the said  
promotion vide Annexure A-4 dated 1st December, 1990  
on the grounds mentioned therein. The learned


advocate for the applicant submits that after one year after this intimation, the applicant is entitled to be considered again for promotion, but the respondent<sup>s</sup> have still not considered him for promotion. There is no material before this Tribunal to hold even prima facie that the applicant has not been considered for promotion one year after he had shown his ~~un~~willingness for promotion. Therefore, at this stage it is not possible for us to give any direction regarding promotion to the respondent<sup>s</sup>.

However this application can be disposed of at the stage of admission by directing the applicant to make suitable representation to the respondent authority to consider him for promotion according to the rules sympathetically as the applicant has passed the trade test. Hence we pass the following order:

ORDER

The respondent to consider and decide the representation of the applicant sympathetically regarding the question of his promotion on receiving the said representation within four weeks from the date of this order. The respondent to intimate the decision to the applicant. Application is disposed of with no order as to costs.

  
(V. Radhakrishnan)  
Member (A)

  
(R. C. Bhatt)  
Member (J)

etc.

CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH  
AHMEDABAD.

Application No. 20/56/93. of 199

Transfer Application No. \_\_\_\_\_ Old Writ Pet. No. \_\_\_\_\_

C E R T I F I C A T E

Certified that no further action is required to be taken and the case is fit for consignment to the Record Room (<sup>D</sup>ecided).

Dated : 30/03/93.

Countersigned :

Section Officer/Court Officer

*R. S. Christian*  
Sign. of the Dealing Assistant.



## INDEX SHEET

U. of T. & ONS.

[illegible]