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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 311 of 1988

Date of Decision, 15.7.1982

Khali Behera

Applicant

Versus

Union of Indi & Others Respondents

For the applicant

Mr. G.A.R. Dora, Advocate

For the respondents

M/s. B. Pal,
O.N. Ghosh,
Advocates

C O R A M

THE HONOURABLE MR. K.P. ACHARYA, VICE-CHAIRMAN

AND

THE HONOURABLE MISS USHA SAVARA, MEMBER (ADMN)

1. Whether the reporters of local newspapers may be allowed to see the judgment ? Yes
2. To be referred to reporters or not ?
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes

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CUTTACK BENCH, CUTTACK.

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Date of decision : 15-6-7-92

Khalili Behera ... Applicant.

Versus

Union of India and others ... Respondents.

For the applicant ... Mr. G. A. R. Dora, Advocate.

For the respondents ... M/s. B. Pal,
O. N. Ghosh, Advocates.

C O R A M:

THE HONOURABLE MR. K. P. ACHARYA, VICE-CHAIRMAN

A N D

THE HONOURABLE MISS USHA SAVARA, MEMBER (ADMN.)

JUDGMENT

K. P. ACHARYA, V.C., The grievance of the applicant is denial of promotion to him to the post of Divisional Operating Superintendent and his grievance is also against Respondents 3 to 5 who are said to be juniors having been promoted. According to the applicant, Respondents 3 to 5 are his juniors and they have been promoted to the post of Divisional Operating Superintendent without the case of the applicant being considered. Hence, this application has been filed with the aforesaid prayer.

2. No counter has been filed in this case for the reasons best known to the respondents.

3. We have heard Mr. Dora, learned counsel for the applicant and Mr. B. Pal, learned Senior Standing Counsel (Railways). Statement of the applicant made on

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verification that his case was not considered for the promotional post and Respondents 3 to 5 were given promotion superceding the claim of the applicant goes uncontradicted. Law is well settled that nobody has a right to claim promotion. But a particular employee has a right to urge that his case should be considered for promotion. In the present case, uncontradicted statement being that the case of the applicant was not considered, we are bound to accept such statement to be true and correct. Therefore, we direct that the suitability of the applicant be adjudged by convening a review Departmental Promotion Committee and in case he is found to be suitable, promotion be given with effect from the date his juniors got promotion.

4. Thus, this application stands allowed leaving the parties to bear their own costs.

..... MEMBER (ADMN.)

VICE-CHAIRMAN

Central Administrative Tribunal,
Cuttack Bench, Cuttack.
15.2.1992/Sarangi.

