

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH,
J_O_D_H_P_U_R.

Date of Order : 29-3-2000

O.A. No. 344/95

Smt. Kamla Devi W/O late Gokul Das aged about 66 years
R/O Ganeshi Street, Jodhpur, LR of Late Gokul Das, who
was last Employed on the post of Depot Store Keeper III
Railway Stores Northern Railway, Jodhpur.

... Applicant

Vs

1. Union of India through General Manager,
Northern Railway, Baroda House, New Delhi.
2. Deputy Controller of Stores, Northern Rly.
Jodhpur Division, Jodhpur.
3. Chief Material Manager (M) Northern Railway
Baroda House, New Delhi-1.

... Respondents

Shri J.K. Kaushik, Counsel for the Applicant.

Shri S.S. Vyas, Counsel for the Respondets.

...

CRAM :

Hon'ble Mr. Justice B.S. Raikote, Vice Chairman

Hon'ble Mr. Gopal Singh, Administrative Member

ORDER

(per Hon'ble Mr. Gopal Singh, Adm. Member)

Applicant, Gokul Das, deceased represented by
his widow Smt. Kamla as legal representative, while
working as Ward Keeper in Jodhpur Depot of Northern
Railway was served with a charge-sheet on 02.8.1969,
and after an enquiry was dismissed from service with
effect from 31.5.1978. The dismissal order was quashed

(Signature)

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by this Tribunal vide order dated 23.2.1987 in T.A. No. 203/86. The disciplinary authority again imposed the penalty of dismissal effective from 31.7.1988 vide order dated 29.12.1988. The dismissal order was again quashed by this Tribunal vide order dated 12.1.1990, in O.A. No.498/88 with consequential benefits regarding payment of salary dues to the applicant till the date of his retirement. Thereafter, the respondents imposed the penalty of recovery of Rs.28463/- from the arrears of salary vide order dated 22.10.1990. This penalty was also quashed by this Tribunal vide order dated 02.11.1993 in O.A. No.369/71. The applicant had in the meantime retired on 31.12.1986. The applicant had appeared in a selection for the post of Assistant Store-Keeper in the year 1974, and was selected but has not been promoted on the ground that the applicant was facing a charge-sheet for major penalty. His junior Sh. Hari Singh was promoted as Asstt. Store-keeper with effect from 19.1.1974, and was further promoted as Depot Store-Keeper in 1979, and Assistant Controller of Stores in the year 1983. Shri Hari Singh, retired on 30.9.1984. Though the penalty imposed upon the applicant was set aside by this Tribunal vide order dated 02.11.1993 (supra) and the departmental proceedings came to an end, the respondent-department never considered his case for promotion to Asstt. Storekeeper and higher posts. The applicant submitted a representation on 19.2.1994 in this regard, followed by subsequent reminders. The respondents vide their letter dated 08-12/7/1995 (Annex. A/1) rejected

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the representation of the applicant and, therefore, this application praying for setting aside the impugned order at Annex A/1, and for a direction to the respondents to consider the case of the applicant for promotion to the post of Assistant Storekeeper, Depot Store-Keeper and Assistant Controller of stores at par with his junior Shri Hari Singh with all consequential benefits including revision of pensionary benefits alongwith interest at market rate.

2. Notices were issued to the respondents and while contesting the application it has been averred by the respondents that the applicant had never passed the selection for the post of Assistant Store-Keeper as has alleged by the applicant. They have also filed the result of selection at Annex R/2. Since the applicant was not selected as Assistant Store Keeper, the question of considering his case for promotion on conclusion of departmental proceedings does not arise. Hence, the application is devoid of any merit and deserves to be dismissed.

3. We have given anxious consideration to the pleadings and averments made by both the parties.


4. In the rejoinder filed by the applicant, the contention of the respondents that the applicant did not pass the selection for the post of Assistant Storekeeper is sought to be refuted on the basis of seniority list (Annex. A/5) where a remark in hand "under suspension from 29.5.'68" is given against the name of applicant. On the basis of this remark, the applicant has presumed that


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though he was selected but was not promoted as he was facing charge-sheet for major penalty. But, result of selection proceedings placed at Annexure R/2, dated 14.1.74 does not leave any doubt about the fact that the applicant had not passed the selection for the post of Assistant Store-keeper held on 20.8.1972 and 18.4.1973. Thus, the contention of the applicant is totally misconceived and, therefore, rejected. Since the applicant did not pass the selection for Assistant Store-keeper, the question of considering him for promotion to the post of Assistant Store-keeper and further on conclusion of the departmental proceedings does not arise. Thus, the application is devoid of any merit and deserves to be dismissed.

5. The O.A. is accordingly dismissed with no order as to costs.


(GOPAL SINGH)
Adm. Member

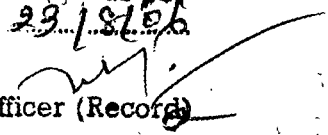

(B.S. RAIKOTE)
Vice Chairman

J

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Part II and III destroyed
in my presence on 13-10-06
under the supervision of
section officer () as per
order dated 23/8/06


Section officer (Records)