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CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH,
JODHPUR

O.A.NO.78/1996

DATE OF ORDER: 4.11.1996

SALIM MOHAMMED

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APPLICANT

VERSUS

UNION OF INDIA AND OTHERS

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RESPONDENTS

PRESENT:

Mr.N.K.Khandelwal, counsel for applicant.

Mr.S.S.Vyas, counsel for respondents No. 1 to 3.

Mr.S.K.Malik, counsel for respondents No. 4 and 5.

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GORAM:

THE HON'BLE MR.S.C.VAISH, Member(A)

THE HON'BLE MR.A.K.MISRA, MEMBER(J)

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PER HON'BLE MR.S.C.VAISH:

Shri Salim Mohammed is an employee of the Respondents- Railways and posted in the Workshop at Jodhpur in the capacity of a Skilled Grade-I. He has come to the Tribunal seeking promotion to the rank of Mistry in Grade Rs. 1400-2300 and had mentioned that respondent No. 4 Shri Desha Ram and respondent No. 5 Shri Amrit Lal, who were being considered for promotion, were junior to him.

2. The respondents have contested this application and filed a reply to which the applicant has not filed a rejoinder.

3. We have heard Shri N.K.Khandelwal for the applicant and Shri S.K.Vyas for official respondents No. 1 to 3 and Shri S.K.Malik, for respondents No. 4 and 5.

4. The learned counsel for the applicant stated at the bar that the applicant has been promoted to the post of Mistry by an order dated 26th of September, 1996, a copy of which was produced for perusal of the Court. However, his grievance

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
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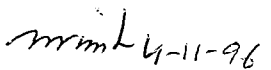
remains that his promotion should have been ante-dated to the date when the vacancy occurred. Respondents No. 4 and 5 have not yet been promoted to the post of Mistry.

5. We have perused the application and the relief sought by the applicant. The applicant had sought the relief of promotion and he did not specify the date from which he claims the promotion. Moreover, in the interim relief claimed, he had sought that respondents No. 4 and 5 should not be promoted as the applicant has a better case. In these circumstances, we are of the view that at this stage, the applicant in this application can not raised the issue of the date of promotion and of ante-dating the promotion which has already been given to him. If he wanted such a relief, he should raise a specific issue, giving the respondents an opportunity of examining it and deciding upon it.

6. In view of the above discussion, the application is partially allowed with the direction that if the applicant is not satisfied with his date of promotion, he may file a representation with the respondents within thirty days from the date of this order. The respondents will decide upon this representation by a speaking order, a copy of which will be delivered to the applicant within two months after the receipt of the representation. If the applicant is aggrieved by this order of the respondents, he will have a liberty to seek his remedy in the Tribunal.

7. No order as to costs.


(A.K. MISRA)
Member (Judicial)


(S.C. VAISH)
Member (Administrative)

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Mehta