

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH, JODHPUR.

O.A. No.376/97

Date of Order: 14.10.1998

(1) Sunil Kumar s/o Shri Bhajan Lal Garg, r/o Railway Qtr. No.3074, New Medical Colony, Jodhpur, at present employed on the post of Junior Engineer Gr.I (Works) (earstwhile known as Inspector of Works Gr.II) in the office of Dy. Chief Engineer (C-I), Northern Railway, Jodhpur.

(2) K.K.Kandoi s/o Shri Babu Lal Kandoi, r/o A/214 Shastri Nagar, Jodhpur, at present employed on the post of Junior Engineer Gr.I (Works) (earstwhile known as Inspector of Works Gr.II) in the office of Dy. Chief Engineer (C-I), Northern Railway, Jodhpur.

... Applicants

VERSUS

1. Union of India through General Manager, Northern Railway, Broda House, New Delhi.
2. Divisionl Railway Manager, Northern Railway, Bikaner Division, Bikaner.
3. Chief Administrative Officer (Construction), Northern Railway, Kshmiri Gate, Delhi.

... Respondents

Mr. J.K. Kaushik, Counsel for the applicants.

Mr. S.S. Vyas, Counsel for the respondents.

CORAM:

Hon'ble Mr. A.K. Misra, Judicial Member

Hon'ble Mr. Gopal Singh, Administrative Member

O R D E R

Per Hon'ble Mr. Gopal Singh

Applicants, Sunil Kumar and K.K. Kandoi, have filed this application under Section 19 of the Administrative Tribunals Act, 1985, praying for a direction to the respondents to consider the case of the applicants for promotion to the post

(Signature)

of Inspector of Works Grade-II (for short, IOW-II) from the date their juniors have been promoted with all consequential benefits.

2. Notices were issued to the respondents and they have filed their reply.

3. We have heard the learned counsel for the parties and perused the record of the case.

4. The applicants have claimed promotion at par with their juniors, namely S/Shri J.M. Verma, Vimal Kumar Vadhwa and Kapil Kumar. The applicants and S/Shri J.M. Verma, Vimal Kumar Vadhwa and Kapil Kumar figure in the seniority list as under:

<u>Sl. No.</u>	<u>No. in the seniority list</u>	<u>Name</u>
1.	12	Sunil Kumar Garg
2.	17	K.K. Kandoi
3.	19	J.M. Verma
4.	20	Vimal Kumar Vadhwa
5.	21	Kapil Kumar

In terms of Annexure A/1 dated 17.1.1996, Shri J.M. Verma, IOW was promoted on regular basis to the post of IOW-II w.e.f. 16.1.1996 while S/Shri Vimal Kumar Vadhwa and Kapil Kumar were regularised as IOW-II w.e.f. 16.1.1996 vide the respondents letter dated 12.1.1996 (Annex. R/1). Both the applicants were working with Construction Organisation. The respondents vide their letter dated 15.4.1996 (Annex. A/2) have given proforma applicants on the promotion under next below Rule to the post of IOW-II w.e.f. the date S/Shri J.M. Verma, Vimal Kumar Vadhwa and Kapil Kumar were regularly promoted as IOW-II i.e., w.e.f. 16.1.1996. In terms of the respondents' letter dated 21.5.1993, S/Shri G.B. Singh

Supra

and R.L. Malik were promoted as IOW Grade-I on work charge post for a specified period of $11\frac{1}{2}$ months and $7\frac{1}{2}$ months respectively. S/Shri Vimal Kumar Vadhwa and Kapil Kumar were promoted accordingly against the consequential vacancies of S/Shri G.B. Singh and R.L. Malik. It is the contention of the applicants that they should also be given promotion as IOW-II w.e.f. 21.5.1993 at par with their juniors namely, S/Shri Vimal Kumar Vadhwa and Kapil Kumar. It is pointed out here that in terms of the order dated 21.5.1993 (Annex. A/4) S/Shri Vimal Kumar Vadhwa and Kapil Kumar were promoted against the consequential vacancies caused by promotion of S/Shri G.B. Singh and R.L. Malik as IOW Grade-I for a specified period against work charge post. As such the promotion of S/Shri Vimal Kumar Vadhwa and Kapil Kumar cannot be treated as regular promotion. In fact all the promotions under respondents order dated 21.5.1993 (Annex. A/4) were on ad hoc basis, though not specifically mentioned as such. S/Shri J.M. Verma, Vimal Kumar Vadhwa and Kapil Kumar were regularly promoted only w.e.f. 16.1.1996 and the applicants were entitled for proforma promotion under next below Rule only from 16.1.1996. The respondents have rightly given them promotion to the post of IOW-II w.e.f. 16.1.1996.

5. We, thus, do not find any merit in this application and the same deserves to be dismissed and is hereby dismissed.

6. No order as to costs.

Gopal Singh
(Gopal Singh)
Administrative Member

14/10/98
(A.K. Misra)
Judicial Member

Received

Burn

22/10/98

Revd

22/10/98

Part II and III destroyed
in my presence on 22/10/98
under the supervision of
Station Officer (J) as per
Order No. 20/10/98
Station Officer (Record)