

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH
J O D H P U R

Date of order : 12.08.1998.

O.A.NO.84/1998.

P.R.Tejwani S/o Shri Nawalramji Tejwani,aged 35 years R/o 17/523, Chopasni Housing Board, Jodhpur. Presently working as Steno Grade II, Office of Superintending Enginner (E), Telecom Electrical Circle, C-137, Dayanand Marg, Tilak Marg, Jaipur.

..... Applicant
VERSUS

1. Union of India through the Secretary, Ministry of Communication, Department of Telecommunications, Sanchar Bhawan, Ashoka Road, New Delhi.
2. Chief Engineer (C), Rajasthan Telecom Civil Zone, 5-Jamun Lal Bajaj Marg, 'C' Scheme, Jaipur.

..... Respondents

Mr. V.D.Vyas

..... Counsel for the applicant.

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CORAM :

HONOURABLE MR. A.K.MISRA, JUDICIAL MEMBER

HONOURABLE MR. GOPAL SINGH, ADMINISTRATIVE MEMBER

.....
O R D E R

PER HON"BLE MR. A.K.MISRA :

The applicant has filed this O.A. with the prayer that applicant be ordered to be promoted retrospectively with all consequential benefits of arrears of pay, seniority etc.

2. It is alleged by the applicant that a post of Steno Grade-II was lying vacant and the applicant had all the necessary qualifications to be promoted on that post and he was eligible to be promoted but for certain reasons best known to the administration, the applicant was not promoted on the post of

Steno Grade II, therefore, the applicant should be ordered to be promoted retrospectively.

3. We have considered the facts of the case. The applicant was earlier working on the post of Steno Grade III and by the impugned order dated 9.1.1998 (Annex.A/1), he was promoted as Steno Grade II in the new pay scale of Rs. 5000-150-8000 w.e.f. the date he resumes the charge of the new post on promotion. This is a settled law that nobody can claim promotion as of right unless junior to him has been promoted ignoring his case. In this case, no such facts are available on record. The applicant has not alleged that any of his junior has been promoted on the post of Steno Grade -II in preference to the applicant, therefore, in our opinion, the applicant has no case. If for certain reasons, the promotional post is kept vacant by the employer the candidates fulfilling the eligibility conditions of that post cannot claim to be promoted on that post. It is the prerogative of the employer to fill-in the post by promotion and if for some reason the promotional posts are kept vacant, it does not give rise to any right to the eligible candidate to claim promotional benefits with retrospective effect.

4. In our opinion, the Original Application is devoid of merit and is hereby dismissed in limine.

Gopal Singh
(GOPAL SINGH)

Administrative Member

AM 12/8/98
(A.K.MISRA)
Judicial Member

MEHTA