

75

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH ; JODHPUR.

Date of Order : 18.09.2002

G.A No. 234/2002.

Ram Narayan Solanki son of Shri Roop Ram Solanki, aged about 61 years, resident of Outside Chandpol Gate near Vidyasala, Sankhalo Ka Bas, Jodhpur, last employed on the post of O S-1st Claims Branch D R M Office, Northern Railway, Jodhpur.

... APPLICANT.

v e r s u s

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
2. Chief Claim's Officer, Northern Railway, N.D.C.R. Building Canought Place Road, New Delhi.
3. Divisional Railway Manager, Northern Railway, Jodhpur Division, Jodhpur.
4. Divisional Commercial Manager, Northern Railway, Jodhpur Division, Jodhpur.
5. Divisional Personnel Officer, Northern Railway, Jodhpur Division, Jodhpur.

... RESPONDENTS.

Shri B2 Khan counsel for the applicant.

CORAM

Hon'ble Mr. Gopal Singh, Administrative Member.
Hon'ble Mr. J. K. Kaushik, Judicial Member.

: O R D E R :

(per Hon'ble Mr. Gopal Singh)

In this application filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for quashing the order dated 21.05.1999 (Annexure A-1), and further for a direction to the respondents to promote the applicant to the post of Chief Office Superintendent in the pay scale of Rs. 7450-11500 w.e.f. 22.05.1999, with all consequential benefits.

Gopal Singh

7/6

2. The case of the applicant is that one Shri Bhopal Singh OS-I was promoted to the post of ACM and transferred to Varanasi. Thereafter the respondents department vide their order dated 22.05.2001 (Annexure A-2) preponed the promotion of Shri Bhopal Singh to 10.05.1998. Since Shri Bhopal Singh has been transferred to a different division, applicant claims promotion on the said post. The applicant has since retired w.e.f. 31.07.2001, it is not disputed that none of the junior to the applicant has been promoted to this post.

3. In these circumstances, applicant cannot claim ~~for~~ promotion to the higher post. The respondents department cannot be compelled to fill up the post. It is up to the respondents department to take a view in this matter. Since none of the junior to the applicant has been promoted, the applicant's claim cannot be entertained. Accordingly we do not find any merit in this OA. The same is dismissed in limine.



J. K. Kaushik
(J. K. KAUSHIK)
MEMBER (J)

Gopal Singh
(GOPAL SINGH)
MEMBER (A)