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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No. 261/Jodhpur/2012

Date of decision: 02.07.2012

HON'BLE Mr. B.K.SINHA, ADMINISTRATIVE MEMBER.

Gawara Ram S/o Shri Sangram Ram aged 46 years R/o Village and PO Dungari, District Jalore (Presently working as Technician Grade III / Power Multi Skilled at Raniwara in Railway Department, North Western Railway, Jodhpur).

: Applicant

Mr. S.P.Singh, Advocate.

Versus

1. Union of India through General Manager, North Western Railway, Jaipur.
 2. The Divisional Railway Manager, North Western Railway, Jodhpur.
 3. Senior Divisional Personnel Officer, North Western Railway, Jodhpur.
 4. Senior Section Engineer (Electrical), N.W. Railway, Samdari, District Barmer.
 5. Divisional Senior Engineer (Elect.), N.W. Railway, Jodhpur.
-Respondents

ORDER (ORAL)

Heard learned counsel appearing for the applicant.

2. ~ Admittedly, the applicant is a Pump Operator in Grade III. The grievance of the applicant is that in the past he has been promoted to Pump Operator vide communication dated 4.11.2006 (Anex.A/6). He was also issued an order of relieving vide the communication dated 04.11.2006 (Annex.A/5) but, on the margin it is written that EFO/SMR directed telephonically not to relieve him till further orders. He could not be relieved for the next 17 months and the promotion could not take place. Now, the applicant has been promoted vide the order dated 18.6.2012 (Annex.A/1) and posted to Raniwara. He has been ordered to be relieved on 19.6.2012 and his L.P.C. would be sent later. In

response to this the applicant has represented that due to family circumstances he is not in a position to avail of the promotion and therefore declined the same. He has prayed that he should be allowed to continue at the present place of posting. He has further represented that there is no reliever to whom he could hand over charge.

3. The only issue for consideration here is that whether the applicant is within his rights to decline promotion which is also accompanied by a change in place. The communication dated 20.6.2012 states that he cannot deny promotion as the post of Pump Operator Grade III at Raniwara has been upgraded to Pump Operator Grade I and hence, he cannot continue there any longer. As the order has been made under the process of pin-pointing it is the department which is in best position to decide as to where the applicant should be posted. However, the applicant does appear to have a point that in the past he was promoted but not relieved and the instant transfer has been made not in the month of April but in the mid academic session. Hence, the applications is remanded to the competent authority i.e. respondent No. 3 for giving a hearing to the applicant and take a sympathetic view of the matter. The applicant will not be disturbed till the competent authority is arrived at a decision. The matter should be disposed of by the respondent No. 3 within a period of two months. With this direction the OA is disposed of.


(B.K. Sinha)
Administrative Member

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