

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O.A.6/92

DATE OF DECISION:28.7.1993

V.Rama Das

.. Applicant

Mr.P.Sivan Pillai

.. Advocate for the Applicant

vs.

1. Union of India through
the General Manager,
Southern Railway,
Madras-3.
2. The Divisional Personnel Officer,
Southern Railway,
Trivandrum-14.
3. The Senior Divisional Mechanical Engineer,
Southern Railway,
Trivandrum-14.
4. M.Vijayakumaran Nair .. Respondents

Mrs. Sumathi Dandapani

.. Advocate for R1-3

CORAM:

THE HON'BLE MR.JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

THE HON'BLE MR.R.RANGARAJAN, ADMINISTRATIVE MEMBER

JUDGMENT

C.SANKARAN NAIR(J), VICE CHAIRMAN:

Applicant claims the benefit of promotion and consequential benefits with effect from 13.9.1988. He was granted such benefits only from 1.12.89.

2. Applicant started his career as a Casual Labourer and was regularised on 31.12.82. It is said that he had been working as a Driver in Jeep 4663 belonging to respondents, ever since 17.9.82. Pursuant to Annexure-A2 invitation of application, he applied for the post of a Motor Driver and he was appointed to that post by Annexure-A7 with effect from 13.9.88. But, he did not take up the assignment. According to him because he was not relieved, and according to respondents because he declined the promotion. However, by Annexure.A14, he was given the benefit of regular promotion from 1.12.89.

3. The question that arises for consideration is, whether the applicant declined to accept the promotion or whether he was prevented for other reasons from accepting the promotion. Annexures.A8 and A12

written by superior officers of the applicant; give the indication that they did not relieve him to take up the assignment. Learned counsel for respondents wanted to verify the records to ascertain whether it was a case of declining promotion or not. After verifying the records, she submitted, and fairly too, that there was nothing in the files to indicate that applicant had declined the promotion. We are inclined to accept the case of applicant that he could not take up the assignment as he was not relieved. It was not a case of his declining promotion. He is therefore entitled to all the benefits that follow the order of promotion with effect from 13.9.88.

4. Counsel for applicant stakes a larger claim, submitting that applicant is entitled to be paid the wages due to a Driver with effect from 17.9.82, from which date he was said to be driving a jeep. If he has such a claim, he may raise it before the competent authority. We see no reason to entertain or adjudicate upon that claim.

5. Application is allowed to the extent as indicated above. No costs.

Dated the 28th July, 1993.


R. RANGARAJAN
ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

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List of Annexures:

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| 1. | Annexure.A-2 | No.V/P.535/Staff Car dated 3.2.1984. |
| 2. | Annexure-A7 | O/O No.98/88/PG. dt.13.9.1988. |
| 3. | Annexure-A8 | No.V/M 226/XIV/C9W dated 16.9.1988. |
| 4. | Annexure A12 | No.V/M 226/XIV/C&W dated 31.5.1989. |
| 5. | Annexure A14 | O.O No.96/PG/89 dated 1.12.1989. |