

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O. A. No.  
T. A. No.

110

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DATE OF DECISION 29.1.92

R. Nanoo Applicant (s)

Mr. C. M. Suresh Babu Advocate for the Applicant (s)

Versus

The Divisional Railway Manager Respondent (s)  
Southern Railway, Trivandrum and others

Smt. Sumathi Dandapani Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. N. V. KRISHNAN, ADMINISTRATIVE MEMBER

The Hon'ble Mr. N. DHARMADAN, JUDICIAL MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. To be circulated to all Benches of the Tribunal?

JUDGEMENT

MR. N. V. KRISHNAN, ADMINISTRATIVE MEMBER

The applicant is a member of the Scheduled Caste community and he has prayed for a direction to the respondents to promote him to the post of Chief Clerk on ad hoc basis against Point No. 8 reserved for S.C. candidate in the 40 point Roster. In ground A of the O.A. he has submitted that a Point No. 8 under the 40 Point Roster arose w.e.f. 17.12.1983 and that therefore, he is entitled to be promoted w.e.f. that date.

2. The learned counsel for the respondents submitted that in the reply they have mentioned that the applicant has already been given ad hoc promotion as Chief Clerk from

5.2.1991 in evidence of which they have produced Ext. R-1 order dated 5.2.91. The respondents have also submitted that the only prayer in this application is for promoting the applicant to the post of Chief Clerk on ad hoc basis against point No. 8 under the 40 Point Roster and since that relief has been granted, the O.A. itself has become infructuous.

3. We have heard the parties. The learned counsel for the applicant insisted that the vacancy at Point No. 8 under the 40 Point Roster arose on 17.12.1983 and the applicant is entitled to be promoted from that date. We find that the applicant has filed O.P. 5611/84 before the High Court of Kerala which was transferred and numbered in this Tribunal as TAK 402/87 and was disposed of by order dated 17.11.89, <sup>(An A-1)</sup> in which one of us (Hon'ble Shri N. V. Krishnan) was party. The question of the Point No. 8 vacancy in the Roster to be filled by the S.C. candidate was raised in that application also. It was held that the petitioner could not have any grievance whatsoever against the respondents in so far as the question of his promotion to Chief Clerk <sup>u was</sup> ~~is~~ concerned because <sup>u was</sup> it ~~is~~ found that he was not eligible for such promotion.

We also noticed <sup>u</sup> ~~that~~ the assurance of the respondents that his claim shall be considered at the appropriate time.

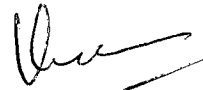
4. Now that the ext. R-1 order has been passed, we find that there is no substance in this application. Hence, this application has to be closed. Accordingly we close

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this application as having become infructuous.

  
29.1.92

(N. DHARMADAN)  
JUDICIAL MEMBER

  
29.1.92

(N. V. KRISHNAN)  
ADMINISTRATIVE MEMBER

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