

CENTRAL ADMINISTRATIVE TRIBUNAL

LOCAL CH. BENCH.

J.A. No. 109/1989

K.K. Srivastava

Applicant.

versus

Union of India & others

Respondents.

Shri K.P. Srivastava, counsel for applicant.

Shri Anil Srivastava, counsel for respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.

Hon. Mr. A.B. Gorti, Adm. Member.

(Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicant who is a confirmed Horticulture Supervisor in Northern Railway, has approached this Tribunal with the prayer that he may be promoted to the post of Inspector of Works (Horticulture) Grade II (Rs 425-700) and further be promoted to the post of Inspector of Works (Horticulture) Grade I on seniority basis with effect from the due date alongwith all consequential benefits.

2. The grievance of the applicant is that junior to him in the seniority list at serial nos 7,8,9 and 10 (Respondents 5,6,7 and 8) have been promoted to grade II and even to Grade I and an order has been passed on 21.1.86 directing the respondent No. 3 to promote the applicant as I.O.O. on adhoc basis on work charge post.. The applicant made representation against the same, as a result of the same the respondent

No. 2 passed an order directing the respondent No. 3 to promote the applicant on adhoc basis. He has not been promoted on regular basis, though his juniors have been promoted.

3. The respondents have pointed out that the promotions in the year 1978-81 were made in Delhi then Division, there was a Division wise seniority and the applicant was working in Lucknow. Moreover, the applicant did not apply. Prior to 28.9.78 the post of Supervisor grade R 425-560 was centralised and controlled by the Headquarters of Ice of New Delhi and the same were decentralised on 28.9.78. In the year 1981 again centralization took place. When the centralization took place, the applicant did not apply and as such the question of promotion does not arise, as he was junior. The promotion on regular basis could be given only after passing the examination.

4. According to the applicant centralization and decentralisation are the gates of the Railway Administration. According to the applicant, it is admitted by the respondents that he stood at serial No. 6 in the seniority list. Serial No. 1 of the list retired, No. 2 is not in North Railway, No. 4 was in Bikaner Division and has retired. On the applicant stands at serial No. 2 and the persons mentioned at serial Nos. 7 to 11 are junior to the applicant. From the facts it is evident that because of earlier centralization, the applicant could not be promoted and after decentralization the examination

took place but the applicant did not participate in it. Without passing the examination the applicant cannot be given promotion and accordingly this application is allowed to the extent that the respondents are directed to give the applicant one opportunity to appear in the examination. In case he succeeds in the examination, he may be given benefit from due date and in case he does not succeed ~~the~~ in the examination the reversion from the post on which he was working ~~will~~^{may} not arise. No order as to costs.

Correct
by
8/11/92 ✓


Adm. Member.


Vice Chairman.

Shakeel/

Lucknow:Dated: 13.4.92.