

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH, LUCKNOW.

O.A.NO.53 of 1990.

Tek ChandApplicant.

Versus

Union of India & others.....Respondents.

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

Hon'ble Mr.K.Obayya, A.M.

(By Hon'ble Mr.Justice U.C.Srivastava, V.C.)

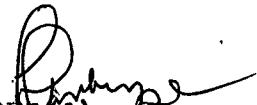
The applicant, who during the pendency of this application, retired, was promoted to the post of Senior Clerk and thereafter as Head Clerk in the Office of Locomotive Works, Charbagh, Lucknow. The grievance of the applicant is that those, who were juniors to him, were promoted to the post of Assistant Superintendent and the applicant, being the Head Clerk, was not promoted. The Railway Board vide its letter dated 16.11.84 had sanctioned the cadre re-structuring of Ministerial staff and one time relaxation was also granted. The applicant was a member of scheduled caste. As the quota of schedule caste/scheduled tribes was full, the applicant could not be promoted at the time of restructuring the scheme. The examination took place in 1985 but the applicant did not participate in it and those, who participated and succeeded, were promoted.

2. The contention on behalf of the applicant is that in view of para 5(1) of R.B letter dated 16.11.84 only A.C.Rs were to be perused and there was no question of written examination. Para 5(1) of the said letter reads as under:-

"5(1) The existing classification of the posts covered by these restructuring orders, as 'Selection' and 'non-selection' as the case may be, remains unchanged. However, for the purpose of implementation of these orders, if an individual railway servant becomes due for promotion to only one grade above the grade of the post held

by him, at present, on a regular basis, and such higher grade post is classified as a 'Selection' post, the existing selection procedure will stand modified in such a case to the extent that the selection will be based only on scrutiny of service records without holding any written and/ or viva-voce test. Under this procedure, the categorisation 'Outstanding' will not exist."

3. It only speaks of only one time relaxation to those persons who were already promoted and the applicant was not promoted at that time. As the rule still continues and the post is a selection post, the applicant was required to appear in the examination which is prescribed under rule and that is why he was not promoted. As the fault lies on the part of applicant, the applicant cannot complain for the same. Accordingly, the application is dismissed. No order as to costs.


MEMBER (A)
DATED: JULY 14, 1992


VICE CHAIRMAN.

(ug)