

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

9

O.A. NO: 711/87

199

T.A. NO: ----

DATE OF DECISION, 13-11-1991

B.K.Danor

Petitioner

Applicant in person

Advocate for the Petitioners

Versus

Union of India and another

Respondent

Mr.A.L.Kesturey

Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. D.K.Agrawal, Member(J)

The Hon'ble Mr. A.M.Singh, Member(A)

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. Whether it needs to be circulated to other Benches of the Tribunal ? ✓

*D.K. Agrawal*  
(D.K.AGRAWAL)

MD

mbm\*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

O.A.711/87

B.K.Damor,  
C/o.Shri Y.K.Damor,  
102, Bhaktiyog Apartments,  
Sutaria Town,  
Qhoddod Road,  
Surat,  
Gujarat.

.. Applicant.

vs.

1. Union of India
2. General Manager,  
Western Railway,  
Churchgate,  
Bombay - 400 020.

.. Respondents

Coram: Hon'ble Shri D.K.Agrawal, Member(J)

Hon'ble Shri M.M.Singh, Member(A)

Appearances:

1. Applicant in person.
2. Mr.A.L.Kasturey  
Counsel for the  
Respondents.

ORAL JUDGMENT:

Date: 13-11-1991

(Per D.K.Agrawal, Member(J))

Heard the applicant in person and  
Mr.A.L.Kasturey for the respondents.

2. The present application under Section 19 of the Administrative Tribunals Act, 1985 was filed on 4-11-1987 raising a grievance that juniors to the applicant viz. S/Shri B.Rangarajan, R.Balakrishnan G.R.Majhi, Pramod Kumar and R.K.Shukla have been promoted to the Senior Administrative Grade Level I with effect from 8-11-1985 ignoring the seniority of the applicant. Therefore he has claimed the promotion with effect from 8-11-1985 and on account of consequential reliefs. He has claimed compensation of Rs.50,000/- on account of mental agony, torture and humiliation. The entire basis of the claim is that promotion to Senior Administrative Grade Level I is to be made on the basis of seniority-cum-suitability

*Dr Agrawal* .2/-

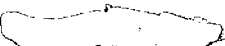
and since the applicant was senior to the above mentioned four persons (who are not impleaded as respondents), he was wrongly superseded by his juniors. The respondents have pleaded clearly that the post of Senior Administrative Grade Level I is a selection post. Para 203 of the Indian Railway Establishment Code Vo. I (Fifth Edition) clearly lays down that "Group A Administrative posts included in the cadre of a service or department shall be filled by the Railway Board by selection from members of the service or department concerned. General Administrative post on a railway shall be filled by selection from among the eligible Group A officers of all services and departments." Thus the very basis of the claim of the applicant is knocked out.

3. The applicant's contention that no adverse entries exist in his service record does not make him entitled for promotion. The promotion by selection has to be made on the comparative assessment of the relative merits of the candidates who are eligible to be considered.

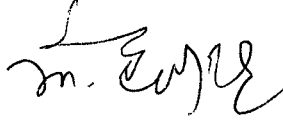
4. The applicant, it may be mentioned, has already retired from service in the year 1988. The applicant was promoted to Senior Administrative Grade Level I but only with effect from 1-1-1986 as a result of the merger of Level I and Level II. This his present claim is only to the effect that he should have been promoted with effect from 8-11-1985 on the basis of the seniority. We have already discussed above that the criteria for selection was not seniority but merit alone. We are sorry to note that the applicant has wrongly mentioned in the

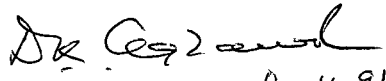
*Dr. Aggarwal*

application that selection of Senior Administrative Grade Level I is based on seniority-cum-suitability.

We cannot expect a Class-I officer to be ignorant of <sup>the</sup> rules of <sup>the</sup> promotion. The compensation which he has claimed is also illadvised. We intended to ~~levy~~ <sup>award</sup> cost ~~from~~ <sup>on</sup> the applicant but we are not doing so <sup>by</sup> taking into account the fact that he has already retired. 

5. In view of the matter discussed above the application is dismissed. There will be no order as to costs.

  
(M.M.SINGH)  
Member(A)

  
(D.K.AGRWAL) B.11.91.  
Member(J)

MD