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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

~~XXXX~~ BOMBAY BENCH

~~XXXXXX~~

T.A No. 196/87

198

DATE OF DECISION 11.3.1992

Ram Prasad Rao & Others. Petitioner

Shri P.R. Pai Advocate for the Petitioner(s)

Versus

Rly. Board & Others Respondent

Shri P.N. Chandurkar Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. JUSTICE U.C. SRIVASTAVA, VICE CHAIRMAN.

The Hon'ble Mr. M.Y. PRIOLKAR, 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 in needs to be circulated to other Benches of the Tribunal ? ✓

(U.C. SRIVASTAVA)
VICE CHAIRMAN.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, BOMBAY BENCH
CIRCUIT BENCH : NAGPUR
Registration T.A.No.196 of 1987

Ram Prasad Rao & Others ... Applicants
Vs.

Railway Board & Others Respondents

Coram:

Hon'ble Mr. Justice U.C. Srivastava, V.C.
Hon'ble Mr. M.Y. Priolkar, Member (A)

Appearance:

Sri P.R. Pai for the applicant &
Sri P.N. Chandurkar for the respondents.

Oral Judgment:

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

Dated: 11th March, 1992

The applicants three in number have filed a Writ Petition before the High Court praying for writ of mandamus for quashing the impugned document filed as Annexure Nos. VI & X to the Application and also grant a writ of certiorari directing the respondents Nos 1 to 3 to revise the panel and fix the seniority of the applicants on the basis of the relative seniority in the eligibility post by placing them at serial nos 1, 2 and 3 respectively and also direct the respondents Nos 1 to 3 not to fill up the vacancy of Divisional Transportation Inspectors Gr. II during the pendency of the application. By operation of law this Writ Petition has been transferred to this Tribunal. During the pendency of the applicants Nos 1 and 3 were promoted to the post of Chief Transportation Inspector as such by means of amendment the respective prayer is in respect of the applicant no. 2 was made.

(15)



-2-

2. Learned counsel for the applicant stated that now he is pressing the application in respect of the applicant No.2 as the applicants nos.1 and 3 have got the desired relief. The applicants were Junior Divisional Transportation Inspectors in Railways and the respondents Nos.4 and 5 were also Junior Divisional Transportation Inspector but they were appointed subsequent to the appointment of the applicants who too have to face the selection Board like them. But the respondents nos.4 and 5 were promoted as Chief Transportation Inspector and the applicants were not given the said promotion and that is why they have approached the Court. The grievance of the applicant is that the post of Junior ^{Divisional} Transportation Inspector ~~are~~ to be filled up from among the employees of Respondents 1 and 2 from various sources by selection. 100% of these posts are to be filled in by direct selection. Although the respondents nos. 4 and 5 were junior to the applicant and working as Junior Divisional Transportation Inspector and they started their service career on a lower post but they were selected by the Selection Board and their names were placed above the names of the applicants nos.1 and 2.

3. According to the respondents it was within the domain of the Selection Board to prepare a list in accordance with merit and as the respondents nos.4 and 5 ranked high and that is why they were placed above to the applicants Nos.1 and 3. It appears that applicants nos.1 and 3 have now ^{been promoted} ~~submitted to it~~. The only case remains in respect of the applicant no.2. On behalf of the applicant no.2 it was contended that there was no distinguishing ^{feature} ~~period~~ in the case of applicant no.1 and 2 and the applicant no.2 has wrongly been passed over. X

4. The respondents in their reply have stated t

holding of suitability test in favour of applicant no.2 and not granting him promotion is concerned, it was not done because of the stay order granted by the Bombay High Court. But it has not been said that he was not selected. So far as the interim order is concerned there is no denial of the fact that because of the earlier interim order the applicants no.1 and 3 could not be promoted. If the applicant no.2 was also selected by the Selection Board there appears to be no reason why promotion to the said post has not been given to the applicant no.2. Accordingly the respondents are directed to give promotion to the applicant no.2 to the said post of Chief Transportation Inspector from the date the other applicants were given promotion. But in case the applicant was not found suitable by the Selection Committee then this order will be of no avail to him. With these observations the application stands disposed of finally. No order as to costs.


Member (A)
Vice-Chairman.

11th March, 1992, Nagpur.

(sph)