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Per Tribunal

24/9/93

As per direction of the Hon'ble Vice Chairman dated 22.1.93, the matter is taken out from Sine-die list. Fixed for final hearing on 3/11/89. Issue notices to the parties as per order dated \_\_\_\_\_.

*[Signature]*  
Deputy Registrar

Notice issued to Applicant & Respondents on dtd. 29/9/93.

3/11/90

Notice dtd. 29.9.93 served on Applicant & on dt. 5-10-93  
*[Signature]*

Per Tribunal

Date: 24/11/93

Applicant in person / by Advocate / Respondent by S C Dhar. Council. Dy. Registrar. The matter adjourned to 19/11/94  
*[Signature]*  
Dy. Registrar

Rejoinder filed by applicant on 17/11/94.  
*[Signature]*

Per Tribunal

Date: 19/11/94

Applicant in person / by Mr. P. G. Zare. He filed his objection. Advocate / Respondent by P. R. Patil. Council. At the request of Mr. Zare who to whom Mr. Patil has no objection. The matter adjourned to 24/11/94 for final hearing.  
*[Signature]*  
Dy. Registrar

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CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application No: 478/89

~~Transferred Application No:~~

DATE OF DECISION 5.4.1994

Shri Abhay Pal Singh Petitioner

Shri P.G.Zare Advocate for the Petitioners

Versus

D.R.M., C.Rly, Bhusawal & Ors Respondent

Shri S.C.Dhawan Advocate for the Respondent(s)

<sup>2</sup>  
CORAM:

The Hon'ble Shri Justice M.S.Deshpande, Vice Chairman

The Hon'ble Shri M.R.Kolhatkar, 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 ?

*M.R. Kolhatkar*  
(M.R.KOLHATKAR)  
MEMBER (A)

*M.S. Deshpande*  
(M.S.DESHPANDE)  
VICE CHAIRMAN

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH, BOMBAY

OA.NO. 478/89

Shri Abhay Pal Singh

... Applicant

V/S.

Divisional Railway Manager,  
Central Railway, Bhusaval & Ors.

... Respondents

CORAM: Hon'ble Vice Chairman Shri Justice M.S.Deshpande  
Hon'ble Member (A) Shri M.R.Kolhatkar

Appearance

Shri P.G.Zare  
Advocate  
for the Applicant

Shri S.C.Dhawan  
Advocate  
for the Respondents

ORAL JUDGEMENT

Dated: 5.4.1994

(PER: M.S.Deshpande, Vice Chairman)

By this application the applicant seeks a direction to the respondents to promote him as IOW, Gr.II from 1.11.1986 and pay the difference in wages till his actual promotion on 28.6.1989 and a direction to pay difference of wages between IOW Gr.III and IOW Gr.II with 12% interest from 1.11.1986 to 27.6.1989.

2. The applicant was appointed as IOW Gr.III on 5.3.1980 in the pay scale of Rs.425-700 and claims to have been promoted to IOW Gr.II on adhoc basis in the pay scale of Rs.550-750 by the order dated 19.10.1986 w.e.f. 1.11.1986. Though the applicant had not stated that he was reverted by the order dated 16.1.1987, the respondents have raised this contention and the learned counsel for the respondents also produced the order dated 16.1.1987 by which the applicant came to be reverted from that date. The applicant's case was that he was actually promoted to IOW Gr.II on 6.3.1989 but could not take the

charge of the promotional post because he was retained by the Department and was not allowed to join. He also contends that his juniors such as Shoke and Chakoo were promoted and had become senior to him. No particulars have been given in the application regarding the dates from which these juniors came to be promoted nor has the gradation list have been filed with the application. The respondents have denied that Shoke and Chakoo were junior to the applicant. According to the respondents, they were promoted by the order dated 16.1.1987 and a copy of that order has been annexed as Ex.-1 to the reply.

3. The only basis upon which relief can be granted to the applicant would be his alleged seniority to Shoke and Chakoo and the date of their promotion to the higher grade inspite of the applicant's seniority to this effect no material has been placed before us by the applicant.

4. Though the learned counsel for the respondents could not lay his hands on the departmental record, it is apparent from the record that the applicant came to be reverted within three months of his alleged promotion by the order dated 29.10.1986 and had never held the promotional post.

5. The order dated 16.1.1987 shows that Shoke had been given adhoc promotion to the post carrying the pay scale of Rs.2375-3500 from the post which carried the pay scale of Rs.2000-3200 and Chakoo was given the scale of Rs.2000-3200 from the scale of Rs.1600-2660. Both the posts from which they came to be promoted were higher than that held by the applicant. It was the same order by which the applicant came to be reverted from the scale of Rs.1600-2660 to the grade of Rs.1400-2300. The material furnished by this order shows that

the applicant was ~~in~~ a lower scale and his position cannot be compared with Shoke and Chakoo. In the light of this material, we find that the applicant has not made out his claim for the reliefs which he has claimed on the basis of Shoke and Chakoo being junior to him.

6. There is no merit in the application, it is dismissed.

M.R. Kolhatkar  
(M.R. KOLHATKAR)  
MEMBER (A)

M.S. Deshpande  
(M.S. DESHPANDE)  
VICE CHAIRMAN

mrj.