

CENTRAL ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH

OA No.1187/1996

<sup>20th</sup>  
Mumbai, this day of November, 2001

Hon'ble Shri S.L. Jain, Member(J)  
Hon'ble Shri M.P. Singh, Member(A)

Shaikh Mastan  
o/o Medical Superintendent  
Central Railway Hospital  
Kurduwadi, Solapur

.. Applicant

(By Shri Uday Warinjikar, Advocate)

versus.

1. Divisional Personnel Officer  
Central Railway  
Solapur Division, Solapur
2. General Manager  
Central Railway, Mumbai
3. Secretary  
Railway Ministry, Rail Bhavan  
New Delhi

.. Respondents

(By Shri V.S. Masurkar, Advocate)

ORDER

Shri M.P. Singh

Heard the learned counsel for the parties and  
perused the records.

2. The grievance of the applicant, who joined service as Junior Stenographer on 17.10.1988 and was working in the office of Medical Superintendent (MS, for short), Central Railway Hospital, Kunduwadi, is that he should have been given the pay scale of Stenographer (Sr) i.e. Rs.1400-2600 with effect from 9.7.1991 as the MS (an officer of Junior Administrative Grade) has become entitled to Senior Stenographer pursuant to Railway Board's letter dated 27.11.89 and communicated by the Central Railway vide letter dated 14.12.1989. He has further stated that by sanction No.70/91 dated 9.7.91 issued by the Central Railway the post of Steno attached to MS was upgraded from Rs.1200-2040 to Rs.1400-2600



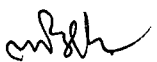
with immediate effect. On the other hand, the respondents have opposed the OA and have stated in their reply that the post of Stenographer has been distributed among officers in terms of extant instructions and according to exigencies of service. It is further submitted by them that the applicant already stands promoted as Sr. Steno (Rs.1400-2600) vide order dated 18.9.96 and posted in DSTE(C), Solapur and therefore the OA be dismissed as having become infructuous.

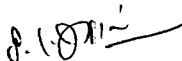
3. In service jurisprudence, promotion of a government servant depends on various factors like his fulfilling the eligibility condition as per the extant R/Rules, seniority, zone of consideration, assessment of suitability etc. Simply because of the fact that the officer with whom the applicant was working has become entitled to have Sr. Steno does not automatically make the applicant eligible to be promoted as Sr. Steno de hors the rules. Also it is not the case of the applicant that he has been denied due promotion in his turn ignoring his superior claim or that there is any malafide in his posting on his promotion. In view of these reasons, we do not find any force in the contention of the applicant that he should have been promoted with effect from the date the post was upgraded and, therefore, this contention <sup>has</sup> ~~he~~ no leg to stand.

4. During the course of the arguments, the learned counsel appearing for the applicant argued that the



applicant should have been allowed to continue to work with MS on his promotion which is opposed by the learned counsel for respondents. Posting of personal staff comes within the domain of administration keeping in view the experience of the person concerned and administrative exigencies. Therefore, there is no ground to interfere in such matter, for the reason that applicant has no choice but to carry out the orders passed by the administration. We therefore feel that nothing survives in the present OA and the same deserves to be dismissed. We are also of the opinion that the various other averments made by the applicant in the OA are not germane to the main issue. Therefore there is no merit in the present OA and the same is liable to be dismissed. We do so accordingly. No costs.

  
(M.P. Singh)  
Member(A)

  
(S.L. Jain)  
Member(J)

/gtv/