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CENTRAL ADMINISTRATIVE TRIBUNAL

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Original Application No. 108 of 1990

Paras Nath Singh

Applicant

versus

Union of India & others

Respondents.

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

Hon. Mr. K. Upadhyaya, Adm. Member.

(Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicant was appointed as Assistant Commercial clerk on 27.1.1957 and was placed in the grade of B 240-430 and posted as Flag Station Master at Bhupia Mau Station in the Lucknow Division itself. In the year 1978, he was transferred on promotion from Bhupia Mau to Raibareilly. According to the applicant, he received the transfer order ~~or was received~~ at a late stage when the petitioner had got his two sons admitted in the P.B. Degree College at Pratapgarh. The applicant made representations that he will have to face hardships with the result that the applicant did not join at Raibareilly and in his place promotion was given to some other person who was junior to him. Although, the applicant, by virtue of his seniority, was transferred in the said grade. According to the respondents, the transfer order was issued in the month of June and not in the mid of session and because the applicant did not go to join, the transfer order had to be cancelled. The

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applicant was again promoted and transferred but he did not want on transfer. When the applicant did not join, it was taken to be a refusal and it was referred to the competent authority and the applicant was also informed that refusal would debar him from promotion for one year. The seniority of the applicant was fixed in the grade of Rs 260-400 at serial No. 112 below C.P.M. Shastri and regarding the seniority in the grade of Rs 330-560, several juniors to him who had already been promoted in grade Rs 330-560 during the period of the applicant's refusal were made senior to him and that is why the applicant has approached this Tribunal praying that the authorities may be directed to re-fix the applicant's pay on right calculation at Rs 2050/- per month and grant the arrears and to reckon into the original seniority and correct the place which entitles him to promotion from 22.6.1978. According to the applicant his seniority cannot be altered even if he has refused promotion. He could have been promoted and seniority and promotion remained intact and no disciplinary action against him was taken. The applicant, due to certain circumstances could not go on transfer and the promotion could not be refused without giving opportunity of hearing.

2. The applicant who has not retired has claimed monetary benefits. In view of the fact that the applicant

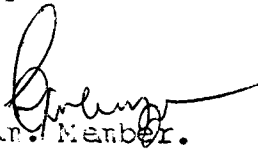
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has refused the transfer he did not proceed on promotion and made representation and wanted to stay at Bhupinawan. The post could not ^{I have been} kept vacant

and the applicant who refused promotion, cannot get promotion within one year and if during that period, juniors are promoted they will rank senior and the applicant could only be placed below in the list.

The applicant was also aware of the rule that in case of refusal, of promotion to the juniors will be given. Accordingly, the applicant is not entitled for pay fixation. The application stands disposed of. No order as to costs.


Member.


Vice Chairman.

Shakeel/-

Lucknow: Dated 27.1.93.