

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH: BANGALORE

DATED THIS THE TWENTY NINTH DAY OF JULY, 1988

Present: Hon'ble Shri Justice K.S. Puttaswamy... Vice-Chairman  
Hon'ble Shri P. Srinivasan... Member (A)

REVIEW APPLICATION NO. 56 OF 1988

1. General Manager,  
South Central Railway,  
Rail Nilayam,  
Secunderabad.

2. Divisional Railway Manager,  
South Central Railway,  
Hubli Division,  
Hubli.

Applicants

(Shri M. Sreerangaiah.....Advocate)

Vs.

1. V.N. Sunkad,  
Rtd. Travelling Ticket Examiner  
residing at: Hubli.

Respondent

This application having come up for hearing before this Tribunal to-day, Hon'ble Shri P. Srinivasan, Member (A), made the following :-

O R D E R

By this review application, the respondents in A.No. 271/87 want us to review our order passed in that application on 12.2.1988.

2. This application is delayed by 103 days. The applicants in this R.A. have sought for condonation of the said delay. No proper reasons have been adduced for the delay, except saying that it was bonafide and

*P. Srinivasan*

....2/-

not deliberate. In view of this, we hold that there is no sufficient reason to justify the delay in filing the R.A. It deserves to be rejected on this ground itself. However, even on merits, this application has no legs to stand on, as we shall presently show.

3. The grievance of the original applicant Shri V.N. Sunkand was that though restructuring of cadres w.e.f. 1.1.1984 was ordered by Central Railway Circular dated 27.12.1983 and persons were required to take some tests for promotion to higher cadres under the restructuring, no such tests were held till the date of his retirement, which took place as late as on 30.4.1985. It was submitted on his behalf that if a test had been held, within a reasonable time after the issue of the restructuring circular, the applicant would have had an opportunity to take the test and would have stood a good chance of promotion to the higher post w.e.f. 1.1.1984, which was denied to him by the delay in holding the test, until after he retired. Since a similar matter had already been decided by us in A.No. 657/87, we allowed the application. In view of the long delay, we directed that the applicant be fitted in the higher post w.e.f. 1.1.1984 and given all benefits flowing therefrom.

4. In the present application, the respondents in A.No. 271/87 state that there were not sufficient vacancies in the higher cadre to which the applicant could be promoted from 1.1.1984. Sri Sreerangaiah

P. S. - 1/87

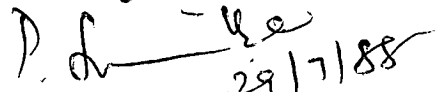
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Submitted that even if a test had been held soon after 1.1.1984 and the applicant had passed the same, he would not have been promoted to the higher cadre for want of vacancies to cover him according to his rank in the seniority list. We fail to understand why this point was not brought up at the hearing of this application. The respondents submitted that in the case of the other applicant, whose application was also decided by our order, he has been given the necessary promotion and other benefits. At this late stage, we are unable to accept the contention that the applicant could not be given the same benefit for want of a vacancy. After all, he has retired, and by his promotion, he is not going to actually occupy a post in the higher cadre. All that the respondents need to do is to show that the applicant as having been promoted with effect from 1.1.1984 <sup>notionally</sup> and give him all consequential <sup>of retirement</sup> benefits without displacing anybody else. In any case, we see no justification for undertaking a review of our order on the ground urged in this application.

5. A copy of this application was sent to Sri V.N.Sunkad, the applicant in A.No.271/87, and he has chosen to remain absent. This matter was, therefore, taken up in his absence, after hearing Shri M.Sreerangaiah for the applicants in this R.A.

6. In view of the above, the application for review is rejected. No order as to costs.

  
VICE CHAIRMAN

  
MEMBER (A) 29/7/88

dms/an

29/7/88