

(12)

CAT/J/12

# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A. No. 486/91

~~T.A. No.~~

198

DATE OF DECISION 11.10.1991.

SHRI S.G. BUTTALWAR, Petitioner

MR. JHA C.M. Advocate for the Petitioner(s)

Versus

THE UNION OF INDIA and B.ors. Respondent

MR. V. NARAYANAN Advocate for the Respondent(s)

## CORAM

The Hon'ble Mr. M.M. SINGH, MEMBER (A)

The Hon'ble Mr. T.C. REDDY, MEMBER (J)

1. Whether Reporters of local papers may be allowed to see the Judgement ? *Ys*
2. To be referred to the Reporter or not ? *Ys*
3. Whether their Lordships wish to see the fair copy of the Judgement ? *Ys*
4. Whether in needs to be circulated to other Benches of the Tribunal ? *Ys*

(5)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH, BOMBAY.

Original Application No.486/91.

Shri S.G.Buttalwar.

... Applicant.

V/s.

Union of India & Ors.

... Respondents.

Coram: Hon'ble Shri M.M.Singh, Member (A),  
Hon'ble Shri T.C.Reddy, Member (J).

Appearances:-

Applicant by Mr.C.M.Jha.  
Respondents by Mr.V.Narayanan.

ORDER:-

{Per Shri M.M.Singh, Member (A)} Dated: 11. 10. 91,

The applicant Divisional Electrical Engineer (C-1) in Senior Scale of Rs.3000-4500 has filed this Original Application under section 19 of the Administrative Tribunals Act, 1985, alleging that a number of his juniors were promoted to the J.A.Grade without assigning any reasons for his supersession from 11.10.1990 onwards. He has therefore raised a grievance and questioned his supersession and is seeking direction of promotion to the J.A.Grade w.e.f. the date his juniors were promoted with full back wages and consequential relief and order to restrain the respondents from making any further promotion of his juniors.

2. We heard Mr.C.M.Jha, learned counsel for the applicant at the admission hearing. A copy of an order No.E(G)/838/7(JAG) dated 25.5.1991 issued from the office of the General Manager was shown to us. According to this order, the applicant herein has been ordered to be promoted and detailed to look after JA grade post of Dy.C.E.E./w/PL/ vice Mr.M.K.P.Kumar proceeding on leave with effect from 23.9.1991. It is mentioned in the order that the same has been issued under approval of the Competent Authority.

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According to the learned counsel for the applicant, the applicant stands promoted to JA Grade as a result of this order.

3. The dispute now stands narrowed<sup>h</sup> down to claim to promotion w.e.f. 11.10.1990, the date from which the applicant's junior Mr.N.K.Gupta was promoted and payment of back wages for the period from 11.10.1990 upto the date of his promotion under order above.

4. The applicant has claimed the right to promotion on the ground that his work has been satisfactory and his service record, his integrity and devotion to duty are unquestionable. However, he has averred that he had participated in the Railway General Strike in the year 1974, was removed from service but reinstated with consequential benefits under Court Order and he was promoted to the Senior Scale on 30.6.1981 and subsequently absorbed from 27.5.1982 as shown in the seniority list of Western Railway of officers of his cadre. He claims that he has completed 5 years of service in the senior scale from 27.5.1982 which makes him eligible for promotion to J.A. Grade. The applicant's further allegation is that his representation against his supersession<sup>n</sup> elicited<sup>h</sup> neither reply<sup>a</sup> nor timely order of promotion.

5. The applicant's assertion is that promotion to JA Grade is on occurrence of vacancy on the basis of paper selection on merit and suitability which has to be judged from annual confidential report which, according to the applicant<sup>h</sup>, are good and nothing adverse was communicated to him. The applicant has not supported his assertion regarding the promotion rules by producing the rules.

...3.

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6. As the applicant has already been promoted as above, we do not consider it necessary to keep this matter pending. We dispose it of with direction to the respondent No.1 to decide the applicant's<sup>2</sup> representations by a speaking order within a period of three months from the date of receipt of a copy of this order by the General Manager. If any grievance nevertheless remains, the applicant will be at liberty to seek redressal in accordance with law and rules.

7. The application is finally disposed of as above.

8. There are no order as to costs.

T. C. Reddy  
(T.C. REDDY)  
MEMBER (J)

M. M. Singh  
(M.M. SINGH)  
MEMBER (A).