

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.5/93.

Wednesday, this the 23rd day of June, 1999.

Coram : Hon'ble Shri Justice K.M.Agarwal, Chairman,
Hon'ble Shri R.K.Ahooja, Member(A).

Lalitkumar Jollani,
C/o. Shri G.S.Walia,
No.16, Maharashtra Bhavan,
Behind Handloom House,
Bora Masjid Street, Fort,
Bombay - 400 001.
(By Advocate Shri G.S.Walia)

...Applicant.

Vs.

1. Union of India through
General Manager,
Western Railway,
Churchgate,
Bombay - 400 020.
2. Divisional Railway Manager,
Bombay Division, W.Railway,
Bombay Central,
Bombay - 400 008.
3. Sr.Divisional Commercial
Superintendent, DRM's Office,
Western Railway,
Bombay Central,
Bombay - 400 008.
(By Advocate Shri V.S.Masurkar).

...Respondents.

: O R D E R :

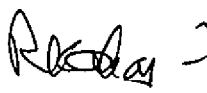
(Per Shri R.K.Ahooja, Member(A))

The applicant is presently working as Commercial Inspector on ad-hoc basis in the pay scale of Rs.1400-2300 (RPS). Initially, before promotion he was working as Sr. Assistant Commercial Clerk in the pay scale of Rs.1200-2040 (RPS). By order dt. 15.2.1988 the applicant was promoted as Head Luggage Clerk (HLC) in the pay scale of Rs.1400-2300 (RPS),^{by} it is stated that he was not relieved to join the said post. It is submitted that, immediately thereafter, he was promoted as Commercial Inspector w.e.f. 22.4.1988. The post of Commercial Inspector is a Selection Post. By letter dt. 28.8.1992, the respondents issued a Circular by which they proposed to conduct a selection for 14 posts of Commercial Inspectors. The applicant also applied for that post. His grievance is that he has not been considered for the said selection though^{as} his lien is being shown to be retained as HLC in the scale of Rs.1400-2300 which is ^{the} same ^{that of} as the Commercial Inspector.

2. The respondents deny that the applicant onw being approved for promotion as Head Booking Clerk/Head Luggage Clerk was not relieved to join the promoted post. On the contrary, according to the respondents, the applicant did not join the higher post because of financial loss, as he was not likely to get the same HRA, CCA and that the promotion involved transfer of station.

3. We have heard the counsel for the parties. The respondents have stated that as a one time measure the applicant was allowed to compete for the post of Commercial Inspector as per the Notification issued on 29.12.1989. The applicant herein did not qualify the same. As per Annexure R-3 since the channel of promotion was revised on 15.4.1988, it was notified that only one chance will be given to those who were not working as Commercial Clerks. In terms of the revised channel of promotion, the applicant is not entitled for consideration for promotion as a Commercial Inspector. The claim of the applicant that since he did not join the post of Luggage Clerk, he is not on that account barred from selection for the post of Commercial Inspector does not hold good. He has not denied that he holds a lien as a Booking Clerk. At the time of consideration for promotion in the line of HBC/HLC, he should have intimated ^{his} ^{the} willingness to respondents at proper time. Now that he is already holding a lien against an higher post, he is not entitled for promotion to the post of Commercial Inspector.

4. For the above reasons, this OA is dismissed. No costs.


(R.K.AHOOJA)
MEMBER(A)

B.


(K.M.AGARWAL)
CHAIRMAN