

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

R.P. NO.: 57/98 IN O.A. NO.: 82/97.

Dated this Monday, the 26th day of October, 1998.

GORAM : Hon'ble Shri Justice R. G. Vaidyanatha,
Vice-Chairman.

Hon'ble Shri D. S. Baweja, Member (A).

G. Subbiah,
Stenographer,
Central Railway,
G.M's Office, Mumbai.

... Applicant

Residing at -

59/A, Elavia Building,
L.H. Road, Matunga Road,

(By Advocate Shri G.K. Masand)

VERSUS

1. Union Of India through
The General Manager,
Central Railway,
Mumbai C.S.T.

... Respondents.

2. The Chief Personnel Officer,
Central Railway,
Mumbai C.S.T.

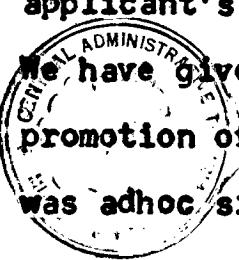
ORDER ON CIRCULATION

1. Per.: Shri R. G. Vaidyanatha, Vice-Chairman



This is a review petition filed by the applicant seeking a review of our final order dated 25.09.1998. We have perused the records and the contents of the review petition.

2. Apart from referring to Rule 320 of the Indian Railway Establishment Manual, our main reason for rejecting the claim of the applicant was that, he

had not got regular promotion as a Stenographer. We have pointed out that as per the notification for the recruitment of Assistant Personnel Officer the essential requirement was stenographer who are regularly promoted with five years non-fortuitous service. We have pointed out that applicant's adhoc promotion cannot be said to be regular promotion for the reasons mentioned in our judgement. We have pointed out that in a case of non-selection method, unless the seniors are considered and superseded, applicant's promotion cannot be a regular promotion.  We have given detailed reasons to show as to how the promotion of all the officials, including the applicant, was adhoc since no speed test was held.

3. The applicant cannot raise the same contention which he had raised in the application and at the time of arguments by way of this review petition. We do not find any apparent error on record calling for review of the judgement. We have referred to Rule 320 of I.R.E.M. only to show as to what is meant by non-fortuitous service. Even if Rule 320 is not applicable to the case of non-selection method, still our reason is that applicant's promotion was not a regular promotion since it is not a case of senior being considered and found 'not suitable' to consider the claim of the applicant. But it is a case of the applicant and all his seniors by giving adhoc promotion for not holding the speed test as required

by rules.

The applicant has again relied on the judgement of the Chandigarh Bench of the Tribunal in V. K. Arora's case which we have clearly distinguished on the ground that, in that case the rules did not provide for regular service as an Executive Engineer but in the present case, the notification for recruitment clearly mentions eligibility as regularly promoted stenographers with five years service. Therefore, we do not find any merit in the review petition.



In the result, the review petition is

rejected on circulation.

Certified True Copy

Date : 3/11/78

Q.S *Rs. 0/-*
Section Officer
Central Admin, Tribunal
Bombay Bench

No. CAT/BOM/JUDL/CA 82/97/6084/6085 Date: 3/11/78

Copy to :

- 1) Shri G. K. Maranik, Counsel for applicant.
- 2) Shri V. G. Ruge, Counsel for respondents.

6/11/98

Rs. 0/-
Q.S *S.O.*

Opposite to 102

6/11/98
D. K. D.

Received
on 5/11/98

S.