

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR.

Date of Order: 17.12.93.

T.A.No.2320/86.

Ghisa Lal

...Applicant.

Versus.

Union of India & Ors.

...Respondents.

Mr. J.K.Kaushik- Counsel for applicant.

Mr. S.S.Hasan- Counsel for respondents.

CORAM :

Hon'ble Mr. Justice D.L.Mehta-Vice Chairman.

Hon'ble Mr. B.B.Mahajan- Admn. Member.

PER HON'BLE MR. B.B.MAHAJAN :

Ghisa Lal has filed civil suit in the Court of Munsif North Kota, praying that the seniority list dated 31.3.83 and promotion orders dated 8.1.85 may be quashed and declared null and void and he should be promoted as Junior Shop Superintendent from the date his juniors were promoted. We have heard the learned counsel for the parties. The learned counsel for the applicant does not press the relief in regard to seniority list dated 31.3.83. So far as the promotion order dated 8.1.85 is concerned (Annexure.R/11), the contention of the applicant was that the person junior to him as S.C. have been promoted but he had not been promoted. He had been informed vide

letter dated 22.7.85 (Annexure.R/15) in reply to his representation that the promotions against these up-graded post were made in accordance with modified selection procedure on the basis of the confidential reports. He was not found suitable for the post on the basis of his record and no representation had also been received from him against adverse remarks in the confidential report. The learned counsel for the applicant has stated that even if he was not found suitable he should have been allowed promotion on trial basis for 6 months., in accordance with the Railway Board instructions. A perusal of the impugned order dated 8.1.85 (Annexure.R/11) shows that four persons belong to S.Cs had been promoted out of 25. In the suit it had been mentioned in para 3 of the plaint that there were 32 vacancies out of which 5 posts were reserved for S.Cs, and only 4 persons from S.Cs were promoted. Learned counsel for the respondents has submitted that vide impugned order dated 8.1.85 (Annexure.R/11) only 25 posts had been filled and the share of the S.Cs according to the roster came to only 4 and 4 persons from S.Cs had been appointed. The Railway Board's Instructions referred to by the learned counsel for the applicant apply

only when adequate number of persons belonging to S.Cs are not available to fill up the posts reserved for those categorises.

In these circumstances there is no force in this T.A. and the same is accordingly dismissed. Parties to bear their own costs.

B.B. Mahajan
(B.B.MAHAJAN)
MEMBER (A)

D.L. Mehta
(D.L.MEHTA)
Vice Chairman.