

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH
JAIPUR.

T.A. No.875/86

Dt. of order: 24.8.1993

K.L.Kankaria & Ors.

: Applicants.

Vs.

Union of India & Ors. : Respondents

Shri S.R.Chourasia : Counsel for applicants

Shri Manish Bhandari : Counsel for respondents

CORAM

Hon'ble Mr.B.B.Mahajan, Member(Adm.).

Hon'ble Mr.Gopal Krishna, Member(Judl.).

PER HON'BLE MR.B.B.MAHAJAN, MEMBER(ADM.).

K.L.Kankaria, B.A.Martin and S.H.Ajwani, had filed a civil suit in the Court of Munsif (East), Ajmer, praying for a decree for mandatory injunction to promote them to the post of Office Superintendent scale 700-900 w.e.f. 1.3.1982 in the Divisional Office, Western Railway, Ajmer with all consequential benefits. By the interim injunction dated 7.3.1981, the respondents were directed not to revert the applicants from the post of Chief Clerk. By subsequent interim order dated 16.3.82, the respondents were directed to consider, till the decision of the suit, the case of the applicants for promotion to the post of Office Superintendent from 1.3.1982 or from any other date that they consider proper. There after, the suit was transferred to the Tribunal under Sec.29 of the A.Ts Act, 1985 and registered as T.A.

2. Vide order dated 1.3.1982, D.R.M, Ajmer, had promoted S/Shri K.S.Simlot, B.S.Gehlot and L.N.Arora (Annx.'L' filed by the applicants with his written arguments) as Office Superintendent after placing 4 officials including the applicants in the select list

for promotion to the post of Office Superintendent. The learned counsel for the applicants has referred to the seniority list (Annex.'J' to the written arguments) in which S/Shri K.S.Simlot and B.S.Gehlot have been shown as junior to the applicants S/Shri B.A. Martin and S.H.Ajwani. However, the order placing S/Shri K.S.Simlot and B.S.Gehlot, in the select list and promoting them w.e.f. 1.3.82 produced at Annex.'L' has not been impugned through any amendment in the T.A. and S/Shri K.S.Simlot and B.S.Gehlot, have also not been impleaded as respondents. In the circumstances, no relief can be given to the applicants against the order dated 1.3.82. The counsel for the applicants states that all the 3 applicants have retired from the service and they had continued to work on the post of Chief Clerk till their retirement.

3. In the circumstances, there is no force in the T.A. The same is dismissed. Parties to bear their own costs.

GKJHR
(Gopal Krishna)
Member (J).

B.B. Mahajan
(B.B. Mahajan)
Member (A).