

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH

J A I P U R .

O.A. No. 608/92

Date of decision: 12.7.93

TEJ SINGH

: Applicant

VERSUS

UNION OF INDIA & ORS

: Respondents.

Mr. S.S. Sharma

: Counsel for the applicant.

Mr. Manish Bhandari

: Counsel for the respondents.

CORAM:

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

Hon'ble Mr. O.P. Sharma, Administrative Member

PER HON'BLE MR. JUSTICE D.L. MEHTA, VICE-CHAIRMAN:

Heard the learned counsel for the parties.

2. The applicant's main contention is that juniors have been promoted and he has not been promoted ^{but has been} and superseded.

3. The respondents have come with a case that the petitioner was medically decategorised for A 3 category and was found medically fit for B 2 and below categories vide DMO's letter dated 12.12.66, as such, the applicant was appointed in the appropriate category and was given further due promotions only to the extent of the categories for which he was declared medically fit but further promotions were not possible as the applicant was not medically fit for A 3 medical category.

4. The learned counsel for the respondents submits that Shri Tej Singh, ^{the applicant,} cannot be posted as Yard Master as he was not physically fit. The contention of the learned counsel for the applicant is that other persons who were not found suitable on health grounds have already been promoted and all of them are juniors. Be that as it may, the applicant has not impleaded any such person as a party, and no adverse orders against any person who has allegedly wrongly been promoted can be passed in his absence.

5. We do not find force in the T.A. which is dismissed accordingly, with no order as to costs.

(O.P. SHARMA)
Administrative Member

(D.L. MEHTA)
Vice-Chairman