

(25)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.199 of 1992

DATE OF JUDGMENT: 23rd April, 1992

BETWEEN:

Mr. P.Ramappa ..

Applicant

AND

1. The Divisional Railway Manager,
South Central Railway,
Guntakal,
Anantapur District, AP.

2. The Senior Divisional Personnel Officer,
S.C.Railway, Guntakal,
Anantapur District, AP. ..

Respondents

COUNSEL FOR THE APPLICANT: Mr. S.Lakshma Reddy

COUNSEL FOR THE RESPONDENTS: Mr. J.R.Gopal Rao,
SC for Railways.

CORAM:

Hon'ble Shri R.Balasubramanian, Member (Admn.)

Hon'ble Shri T.Chandrasekhara Reddy, Member (Judl.)

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JUDGMENT OF THE DIVISION BENCH DELIVERED BY THE HON'BLE
SHRI R.BALASUBRAMANIAN, MEMBER (ADMINISTRATION)

This OA has been filed by Mr. P.Ramappa against the Divisional Railway Manager, South Central Railway, Guntakal and another with a prayer to treat the letter No.G.P.535/III/1/Vol.27, dated 3.9.1991 as illegal and direct ~~xxxxxx~~ the respondents to carry out the promotion as per the promotion order No.G/P.535/III/1/Vol.27, dated 1.7.1991.

2. The case came up for consideration on ^{an} earlier occasion and vide docket order dated 2.4.1992, we directed the respondents to show any order by which ^{the} one year barring ~~disqualification for~~ promotion was to be applied even in cases where official declines adhoc promotion. Till today, the respondents are not in a position to produce any order to the effect that even in the ^{case of} adhoc promotion ~~and~~ ^{provided for} ~~beneficiary~~ disqualification will arise if the ~~beneficiary~~ declines ~~the~~ adhoc promotion.

3. The impugned order dated 3.9.1991 states that the applicant is passed over for promotion for a period of one year from 1988 because he declined earlier adhoc promotion ordered vide ~~xxx~~ proceedings dated 1.7.1991. In our opinion, while such ban is ~~perfectly permissible~~ in the case of regular promotion where if promotee declines

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promotion, he will be barred from further promotion for a period of one year, such impediment ~~should~~ ^{cannot} not be imposed in the case of adhoc promotion which by its very nature is only adhoc. On this point, the Railways are also ~~not~~ not able to produce any order in support of their stand. We, therefore, hold that the stand taken by the Railways in the letter dated 3.9.1991 is not valid and we set-aside the same. Under these circumstances, we direct the respondents to consider and order in ~~his~~ turn adhoc promotion for the applicant ~~also~~ again as and when vacancy arises even though it may be within such one year period.

4. With these directions, we dispose of this application with no order as to costs.

(Dictated in the open Court).

R.Balasubramanian
(R.BALASUBRAMANIAN)

Member(Admn.)

T.Chandrasekhara Reddy
(T.CHANDRASEKHARA REDDY)
Member(Judl.)

Dated: 23rd April, 1992. Deputy Registrar(J) 4592

To

1. The Divisional Railway Manager, S.C.Rly, Guntakal, Anantapur Dist, A.P.
2. The Senior Divisional Personnel Officer, S.C.Rly, Guntakal, Anantapur Dist. A.P.
3. One copy to Mr.S.Lakshma Reddy, Advocate, CAT.Hyd.
4. One copy to Mr.J.R.Gopal Rao, SC for Rlys, CAT.Hyd.
5. One copy to Deputy Registrar(J) CAT.Hyd Bench.
6. Copy to All Reporters as per standard list of CAT.Hyd.Bench.
7. One spare copy.

pvm.

vsn

~~Recd~~ ~~Runo~~
12/5/92

TYPED BY

COMPARED BY

CHECKED BY (3)

APPROVED BY

THE HON'BLE MR.

V.C.

AND

THE HON'BLE MR. R. BALASUBRAMANIAN : M(A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY :
MEMBER (JUDL)

AND

THE HON'BLE MR. C.J. ROY : MEMBER (JUDL)

Dated: 23- 4-1992.

ORDER / JUDGMENT

R.A./C.A./M.A. No.

in

O.A. No. 199 / 92

T.A. No.

(W.P. No.)

Admitted and interim directions
issued

Disposed of with directions

Dismissed

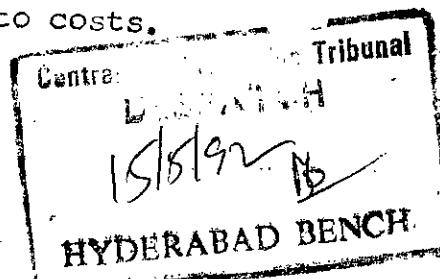
Dismissed as withdrawn

Dismissed for Default.

M.A. Ordered/Rejected.

No order as to costs.

pvm.



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