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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.689/93

Date of Order: 19.12.96

BETWEEN:

U.Kotilinga Rao

.. Applicant.

AND

1. Chief Personnel Officer,
Head Quarters Office,
Personnel Branch S.C.Rly.,
Secundersabad.
2. I.T.Acharyulu,
Bridge Inspector Gr-I,
S.C.Rly., Vijayawada.
3. G.Narsinga Rao,
Dy.Shop Supdt.,
S.C.Rly., Lallaguda.

.. Respondents.

Counsel for the Applicant

.. Mr.B.Tharakam

Counsel for the Respondents

.. Mr.N.R.Devraj

CORAM:

HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUDL.)

J U D G E M E N T

{ Oral order as per Hon'ble Shri R.Rangarajan, Member (Admn.) }

None for the Applicant and None for the Respondents also.
The OA is disposed of on the basis of the material available on
the record under Rules 15(1) of C.A.T. Procedure Rules.

2. The applicant joined as a Bridge Inspector Gr-III on 17.7.64. He was subsequently promoted to Gr-II and Gr-I and he is officiating in Gr-I w.e.f. 25.9.86. When his turn came for promotion to the post of Chief Bridge Inspector which is the

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promotional post to the Bridge Inspector Gr-I, he was not promoted whereas ^{he} R-2 and R-3 were promoted to that grade by the impugned memo No.P(E)282/Bri/II, dt. 18.6.93 (A-1). This memo is challenged in this OA and for a consequential direction to promote him to the post of Chief Bridge Inspector in the scale of pay of Rs.2375-3500 on par with his juniors.

3. The applicant contends that the post of Chief Bridge Inspector is a non-selection post and that he should be promoted to that post on the basis of his seniority.

4. The respondents in their reply stated that the post of Chief Bridge Inspector is no doubt a non-selection post but seniority alone is not the criteria for promotion to the post. Suitability is also to be considered for promotion to that post. The applicant was considered for promotion on 29.10.92 along with the two private respondents. But he was not found fit as adverse remarks had been recorded in his confidential reports for the last 3 years which were communicated to him. In the selection held on 11.1.93 though the applicant was in the zone of consideration he was not considered as the earlier suitability test was held within six months of the present suitability test. Hence his case was passed over. When under the restructuring programme a post of Chief Bridge Inspector was created in terms of the Railway Board's proceedings dt. 27.1.93 the case of the applicant was also considered along with R-2. As per the restructuring orders dt. 27.1.93 his suitability was adjudged on the basis of his confidential reports, but the applicant was not found suitable and R-2 was promoted on the basis of that scrutiny. R-2&3 were placed on the panel and promoted as Chief Bridge Inspector as they fulfilled the requirement of suitability and as the applicant has not fulfilled the suitability condition he was passed over.

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5. There is force in the submission of the respondents. When the applicant was not found suitable for promotion he cannot demand promotion on the basis of seniority alone. Hence the contention of the applicant is rejected.

6. The second contention of the applicant is that R-2&3 were juniors to him and hence they cannot be shown above him. When the applicant failed to fulfil the criteria for promotion then there is no alternate left for respondents except to promote his juniors who were found fit. R-2 while he was working as a permanent way inspector and the R-3 while he was working as Inspector of Works were transferred to the Bridge Organisation as Bridge Inspector Gr-III due to the shrinkage of cadre of permanent way Inspector and Inspector of Works. They were trained suitably and were posted as Bridge Inspectors. They were then shown as juniors to ^{the} applicant. Hence the applicant lost nothing by bringing R-2&3 to the post of Bridge Inspector. They were found fit for the post of ^{Chief} Bridge Inspector and the applicant was not found fit, hence they were promoted superseding the applicant. This supersession cannot be questioned in view of what is stated above. Hence we find no discrepancy in absorbing R-2&3 in Bridge cadre and promoting them to the post of Chief Bridge Inspector ignoring the claim of the applicant.

7. For the reasons stated we come to the conclusion that there are no merits in this OA and hence the OA is dismissed as having no merits. No costs.

(B.S. JAI-PARAMESHWAR)
Member (Judl.)

19.12.96

(R. RANGARAJAN)
Member (Admn.)

Dated: 19th December, 1996

(Dictated in Open Court)

sd

Dr. P. S. Mani (3)

Copy to:-

1. Chief Personnel Officer, Head Quarters Officer, Personnel Branch, S.C.Railway, Secunderabad.
2. One copy to Sri. B.Tharakam, advocate, CAT, Hyd.
3. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
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19/12/96

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THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR:
M(J)

DATED:

19/12/96

ORDER/JUDGEMENT

R.S./C.P/M.A.No.

O.A.No.

in

689/93

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS.

II COURT

YLKR

