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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH

JAIPUR.

O.A. No. 2/93

Dt. of order: 11.1.94

Vasudev Verma

: Applicant

Vs.

Union of India

: Respondents

None

: For the applicant

Mr. Manish Bhandari

: Counsel for respondents

CORAM:

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

Hon'ble Mr. O.P. Sharma, Member (Adm.).

PER HON'BLE MR. GOPAL KRISHNA, MEMBER (JUDL).

In this application under Sec.19 of the Administrative Tribunals Act, 1965, applicant Vasudev Verma, has prayed for directing the respondents to promote him to the post of Station Superintendent in the grade of Rs.2375-3500 w.e.f. 1.6.91 or 10.10.91. He has further prayed for a direction to the respondents to pay all consequential benefits to him. He has also prayed for computing the retirement benefits on the basis of promotion in the scale Rs.2375-3500.

2. The facts of the case as stated by the applicant are that he was promoted to the post of Station Superintendent in the scale of Rs.2000-3000 (RP) on 28.3.88 and he was further promoted in the grade of Rs.2375-3500 (RP) on 27.12.91 (Annex.A-1) but he could not assume his duties on the promotional post in the aforesaid scale as he was not spared by the Railway Administration till the date of his retirement on superannuation. The applicant has already retired from service on 31.3.92. As stated by the applicant, respondent No.3, although junior to him, was promoted to the post of Station Superintendent scale 2375-3500 superseding six senior employees including the applicant. The reason for not promoting the applicant was that his request for transfer of the post to Narnaul was not accepted. He claims that he should have been

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given promotion at Narnaul itself in terms of the instructions of the Railway Board for the reason of his being on the verge of retirement. He further claims that his supersession in the matter of promotion is discriminatory and contrary to the principles of equity and equality of opportunity before law as enshrined in Articles 14 and 16 of the Constitution of India.

3. The application has been contested by the respondents on the ground that the applicant had not assumed the charge at Achnera of his own accord in spite of the fact that the department had passed an order dated 17.1.1992 asking the Station Superintendent Narnaul to spare the applicant on his promotion for posting at Achnera. Since the applicant himself was working on the post of Station Superintendent at Narnaul, he did not comply with the order. However, he was again asked on 10.2.92 to proceed to Achnera but he did not comply with that order also.

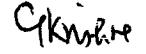
4. None is present on behalf of the applicant in spite of the fact that the case was listed for hearing today. We have heard Mr. Manish Bhandari, counsel for the respondents No. 1 & 2 and carefully perused the records. The post of Station Superintendent grade 2375-3500 at Achnera Station is a supervisory post whereas the post of Station Superintendent at Narnaul is a working post in the grade of Rs 2000-3200, hence the post of Station Superintendent ^{grade} Rs. 2375-3500 could not be transferred to Narnaul for the applicant. The applicant was promoted ^{sub} to the post of Station Superintendent Rs. 2375-3500 vide order dated 27.12.91 and thereafter necessary orders were also passed to spare him. But as the applicant himself working on the post of Station Superintendent at Narnaul did not comply with the orders and he himself did not join the promotional post at Achnera, the Railway Administration cannot be blamed for it. In the circumstances his request for keeping him at Narnaul on the

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promotional post could not be acceded to.

5. In the conspectus of these facts, we find no merit in this application and it is dismissed with no order as to costs.


(O.P. Sharma)
Member (A)


Gopal Krishna
(Gopal Krishna)
Member (J).