

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

Date of Decision: 26/4/2011

OA 451/99

Radhey Shyam, Senior cleaner under CTFO (R), Gangapur City,
Western Railway.

... Applicant

Versus

1. Union of India through General Manager, Western Railway, Churchgate, Mumbai.
2. Divisional Railway Manager, Western Railway, Kota Division, Kota.
3. Sr.DME, W/Rly, Kota Division, Kota.

... Respondents

CORAM:

HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER

HON'BLE MR.A.P.NAGRATH, ADMINISTRATIVE MEMBER

For the Applicant

... Mr.Sharad Sethi, proxy counsel
for Mr.O.P. Pareek

For the Respondents

... Mr.T.P. Sharma

O R D E R

PER HON'BLE MR.A.P.NAGRATH, ADMINISTRATIVE MEMBER

The prayer of the applicant in this OA is that the respondents may be directed to promote him to the post of Assistant Driver from the date his juniors were promoted, alongwith all consequential benefits.

2. Case of the applicant is that he was Senior Cleaner in the Steam Traction. After change of traction to Diesel and Electric, the cleaners were to be promoted to the posts

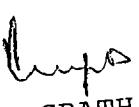
of Assistant Driver in A.C./Diesel. He submits that in the selection held for the post of Diesel/AC Assistant grade Rs.950-1500 he was declared successful as per letter dated 13.1.94. He had already passed the prescribed training of Fireman-II/I. He was sent for conversion training to AC/Diesel traction and was also to be sent for promotional post for promotion to the post of AC Assistant. His plea is that he was not sent for training for promotion for no fault of his and juniors to him have been promoted as AC/Diesel Assistant. This is stated to be a discriminatory treatment. With the promotion of juniors, the applicant submits that irreparable loss has been caused to him in the matter of pay privileges, status and seniority etc.

3. The respondents in their written reply have raised a preliminary objection stating that the applicant is claiming the benefit of promotion on the ground that his junior has been promoted after necessary training but no junior has been impleaded as a party in the array of respondents. On this ground alone, the respondents contend that the application is liable to be rejected. They have also submitted that the applicant was sent for promotional training on three occasions i.e. on 18.3.94, 17.10.94 and again in the year 1995-96 but he could not qualify the said training and thus he has no case.

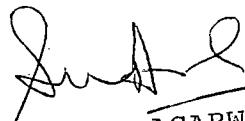
4. We find from the rejoinder filed by the applicant, in which the applicant has stated that he has not claimed any relief against those who are juniors to him in service and,

therefore, they are not necessary parties. This plea of the applicant is totally contradictory to the very relief he has sought by filing this OA. The relief specifically is for promotion to the post of Assistant Driver from the date the juniors were promoted. In the rejoinder the applicant himself disclaims that he has sought any relief against those who are juniors to him. In view of this assertion of the applicant himself, we find that the prayer made by him is without any basis. Obviously, in such a situation, no relief can be granted to the applicant.

5. We, therefore, dismiss this OA as being devoid of any cause of action whatsoever. No order as to costs.


(A.P. NAGRATH)

MEMBER (A)


(S.K. AGARWAL)

MEMBER (J)