

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A.No.259/2000

Date of order: 8.1.2003

Kishan Singh Rawat, S/o Chittar Singh Rawat, working as  
Sr.Clerk in Store department, Ajmer, W.Rly, Ajmer.

...Applicant.

Vs.

1. Union of India through General Manager, W.Rly, Churchgate,  
Mumbai.
2. Deputy Controller of Stores (Estt) W/Rly, Ajmer Divn,  
Ajmer.
3. Shri Chander Shaker Singh, Store Delivery Clerk, Ajmer  
through by Controller of Store, Ajmer.

...Respondents.

Mr.Shiv Kumar - Counsel for applicant.

Mr.U.D.Sharma - Counsel for respondents.

CORAM:

Hon'ble Mr.H.O.Gupta, Administrative Member

Hon'ble Mr.M.L.Chauhan, Judicial Member.

ORDER (ORAL)

This O.A has been filed for seeking the following relief:  
"That the impugned order dated 10.6.2000 (Annexure A-1)  
posting/promotion of resp No.3 and the impugned order  
dated 26.5.2000 (Annx.A2) treating the application of the  
applicant as refusal for promotion may please be declared  
illegal arbitrary and the same may please be quashed with  
all consequential benefits. Further the respondent may  
directed to give posting to the applicant in the pay scale  
Rs.5000-8000 either at Gandhidham or Phulera."

2. Heard the learned counsel for the parties and perused the  
record.

2.1 The contention of the learned counsel for the applicant,

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is that the applicant was promoted in the grade Rs.5000-8000 on ad hoc basis vide order dated 20.4.2000 (Annx.A3) and was posted at Gandhidham. The respondents vide order dated 15.4.2000 (Annx.A4) sought option for filling-up one of the post at Phulera for a newly created diesel depot. The applicant vide his application dated 29.4.2000 (Annx.A5) requested that since he is unable to go to Gandhidham, he may be posted against the vacancy published at Phulera. But the respondents neither posted him at Phulera nor his case was considered for Gandhidham. The applicant vide his application dated 1.6.2000 requested that if it is not possible to post him at Phulera, he may be posted at Gandhidham.

2.2 The learned counsel for the respondents submitted that the applicant was not eligible to give option because he was not holding that post. He further submitted that the applicant in his representation dated 20.4.02, has categorically stated that he is unable to move to Gandhidham on personal ground and therefore the order of promotion/posting was cancelled. He also submitted that the impugned order of promotion was on ad hoc basis and since the applicant showed his inability to move, the order was cancelled. Applicant can not have a right on adhoc promotion and that no show cause notice was required notwithstanding the fact, that applicant himself gave in writing his inability to move on transfer. The counsel for the respondents thereafter showed us the order dated 14.9.2000 issued by the respondents and submitted that the applicant has been promoted on regular basis <sup>& posted at Gandhidham</sup> and therefore, the applicant cannot have any grievances.


3. We have considered the matter. In view of the submissions

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of the respondents, we do not think any judicial interference called for in this case. Accordingly this O.A is dismissed with no order as to costs.

  
(M.L. Chauhan)

Member (J)

  
(H.O. Gupta)

Member (A).