

CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH

OA No. 507/2003.

Jaipur, this the 11th day of April, 2005.

CORAM : HON'BLE MR. J. K. KAUSHIK, JUDICIAL MEMBER
HON'BLE MR. A. K. BHANDARI, ADMN MEMBER

Bharat Lal Meena,
S/o Late Shri Suraj Mal Meena,
Aged 39 years,
R/o Plot No.12, Saheed B,
Shiv Gorax Nagar, Jagatpura Road,
Jaipur.

.... Applicant.

By Advocate : Shri Nand Kishore.

Vs.

1. Union of India Through General Manager,
North Western Railway, Hasanpura Road, Jaipur.
2. The Divisional Railway Manager,
North Western Railway, Jaipur Division, Jaipur.
3. Ratan Lal Banzara, S/o Puranmal Banjara,
Health & Malaria Inspector, North Western Railway,
Phulera.

... Respondents.

By Advocate :Shri Abdul Wahid proxy counsel for
Shri S. S. Hassan.

: O R D E R :

By J. K. Kaushik, Judicial Member

Shri Bharat Lal Meena seems to be endeavoring and
invoking the jurisdiction of this Bench of the Tribunal in futility.

 He has prayed for a direction to the respondents to conduct the

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selection as early as possible to avoid ad hoc promotion, resulting into loss of further avenue of promotion in Group 'B'.

2. We have heard Learned Counsel for both the parties and have very carefully perused the records of this case.

3. The brief facts of this case are that the applicant came to be appointed to some post in the pay scale of Rs.1200-2040. He was granted further promotion in the scale of Rs.1400-2300 on 30.3.92 which got merged in the pay scale of Rs.1200-2040 in single scale of Rs.5500-9000 w.e.f. 16.1.98 and further promoted in the pay scale of Rs.6500-10500. He filed an Original Application No.375/2001 whereby this Bench of the Tribunal was pleased to direct to consider his promotion in the scale of Rs.6500-10500. He had to file a Contempt Petition in the matter. The applicant is the senior most candidate and he has submitted a representation dated 15.9.03 for conducting selection and promoting applicant, the same has not been replied so far. There is singal post in the scale of Rs.7450-11500 and reservation is not applicable to the same as per rules. The application has been filed on the grounds that the applicant was declared entitled for the scale of Rs.6500-10500 and has been working satisfactorily and it is a singal post so rules of reservation are not applicable.

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4. The respondents have filed reply to the same and have submitted that the contempt petition filed by the applicant has already been dismissed and the representation which came to be filed by the applicant was only on probability and hypothetical grounds and there was no such proposal in process. The applicant has suppressed the factual position and in a cadre of singal post the post is required to be filled in on ad hoc basis till further orders and so far no orders have been received. Therefore, the vacancy has been proposed to be filled in only on ad hoc basis. The averments made by the applicant are contradictory. The grounds raised in the Original Application have been generally denied. No rejoinder has been filed from the side of the applicant.

5. Learned Counsel for both the parties are reiterating their respective pleadings. Learned Counsel for the applicant was confronted with a question as to which of the fundamental right of the applicant has been infringed and as to whether the relief claimed in this OA could be a subject matter for adjudication by the court of law. Learned Counsel for the applicant was at difficulty to answer the query.

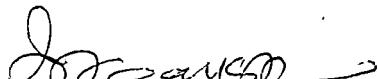
6. We have considered the rival submissions put forth on behalf of both the parties. We find that this is a frivolous application which could be aptly termed as misconceived and misconstrued. Learned Counsel for the applicant has not been

able to show as to in what manner the applicant has been wrong. On the other hand, we have absolutely no reason to disbelieve the version of the respondents that they are anticipating certain instructions from their higher formations regarding mode of filling up of singal post for which specific directions have been issued that such posts are required to be filled only on ad hoc basis. The applicant seems to be trying to make us to put a cart before horse and jam the wheel of the administration which is definitely not within the scope of judicial review by any court of law. We have no hesitation in holding that the applicant has absolutely no case requiring our indulgence. However, before parting with this case, we would alarm the applicant to be bit careful in future so as to avoid any unpleasant orders against him and we hope and trust that the applicant shall understand the seriousness of misusing the process of courts.

7. The obvious result of the aforesaid discussion is that the Original Application is devoid of any merit or substance and the same is hereby dismissed but without any order as to costs.


(A. K. BHANDARI)

ADMN MEMBER


(J. K. KAUSHIK)

JUDICIAL MEMBER