

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,  
JABALPUR

**Original Applications No 1154 of 2004**

*In the* this the 18<sup>th</sup> day of October, 2005.

Hon'ble Mr. M.P. Singh, Vice Chairman  
Hon'ble Mr. Madan Mohan, Judicial Member

Kadorilal S/o Biranlal, aged about  
62 years, Retd. Head Clerk,  
Senior Section Engineer, West Central  
Railway, R/o Gayadatta Ward, Station Ganj  
Narsinghpur – 487001

Applicant

(By Advocate – None)

**V E R S U S**

1. Union of India, through  
Its, General Manager  
West Central Railway, Jabalpur.
2. Divisional Railway Manager,  
West Central Railway Jabalpur

Respondents

(By Advocate – Shri H.B. Shrivastava)

**O R D E R**

**By Madan Mohan, Judicial Member –**

By filing this Original Application, the applicant has sought the following main reliefs :-

“6.2 .....to conduct a Review DPC as in the year 1996 and fix the petitioner in a proper pay scale as promoted post of O.S. Gr.II.

6.3 ..... to direct respondents to fix applicant pay and give all the consequential benefit as directed by this Hon'ble Tribunal in earlier O.A. 483/94.”

6.4 ..... to direct the respondents to pay arrears also.”

2. The brief facts of the case as sated by the applicant are that the applicant was initially appointed as Jr. Clerk in Jabalpur Division of

*(Signature)*

Central Railway on 2.7.66. He was promoted as Sr. Clerk on 31.1.81 and thereafter promoted as Head Clerk on 13.2.90. He was served with a charge sheet which culminated with the order of punishment of revision to lower post of Junior Clerk for a period of two years (NC). Aggrieved with the punishment, the applicant had filed an OA No.483/94 which was allowed on 30.5.2001 (Annexure-A-1). According to the applicant during the punishment period certain juniors to the applicant were considered and promoted to the post of Office Superintendent Gr.II vide order dated 13.3.1996. The applicant contended that after passing the aforesaid order of the Tribunal, it was the duty of the respondents to consider him for promotion to the post of Office Superintendent Gr.II by conducting a Review DPC. However, the respondents have not convened the same and the applicant was deprived of his legitimate claim. He retired from service on attaining the age of superannuation w.e.f. 30.4.2002. Hence, this OA.

3. None is present on behalf of the applicant. Since, it is an old matter of the year 2004, we are disposing of this OA by invoking the provisions of Rule 15 of Central Administrative Tribunal (Procedure) Rules, 1987. Heard the learned counsel for the respondents and carefully perused the records.

4. The learned counsel for the respondents argued that consequent upon cancellation of the punishment order of reduction in rank the applicant was reinstated to his original post of Head clerk and the difference of pay and arrears were paid to him on 3.8.2001. The applicant has participated in the written test on 24.8.96 but could not qualify in the written test, hence not considered for viva-voce. He was again considered for promotion as OS Gr.II on 17.2.1998. However, he could not clear the same, hence he was not called for viva-voce and again on 20.2.99 he was considered for OS Gr.II. However, he again could not clear the written test, therefore, he was not considered for



viva-voce. The learned counsel for the respondents further argued that the applicant was considered for promotion as OS. Gr.II and he was declared failed in written test on three occasions and forth time he did not opt to come forward himself because on fourth time he was under sicklist. The learned counsel for the respondents has also argued that the applicant is not entitled for any promotion because he has already participated in the examination and he could not clear the written test.

5. After hearing the learned counsel for the respondents and on careful perusal of the records, we find that the respondents have afforded due opportunity to the applicant to participate in the selection for the post of Office Superintendent Gr.II. We also find that the written test were held four times for the aforesaid post. However, the applicant could not clear the written test for three times and in fourth occasion he was absent himself because he was on that time under the sick list. We do not find any irregularity or illegality committed by the respondents.

6. After considering all the facts and circumstances of the case, we do not find any merit in this case. Accordingly, the same is dismissed.

No costs.

**(Madan Mohan)**  
Judicial Member

M.P.Singh)  
Vice Chairman

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