

CENTRAL ADMINISTRATIVE TRIBUNAL  
JABALPUR BANCH

Circuit Sitting at BILASPUR

Original Application No. 468 of 2002

Bilaspur, this the 8th day of December, 2003

Hon'ble Shri M.P. Singh, Vice Chairman  
Hon'ble Shri G. Shanthappa, Judicial Member

Jeewan Lal, S/o. Shri Ram Charan,  
aged about 60 years, Ex-Enquiry &  
Reservation Supervision, South  
Eastern Railway, Bilaspur Division,  
Bilaspur (C.G.), R/o. Mannu Chowk,  
Tikrapara, Bilaspur (C.G.).

... Applicant

(By Advocate - None)

V e r s u s

1. Union of India,  
Through : Secretary,  
Ministry of Railways,  
Rail Bhawan, New Delhi.

2. General Manager,  
South Eastern Railways,  
Garden Reach, Kolkata (W.B.).

3. Chief Commercial Manager  
(Commercial), South Eastern  
Railways, 14, Strand Road,  
Kolkata (W.B.).

... Respondents

(By Advocate - Shri M.N. Banerjee)

O R D E R (Oral)

By M.P. Singh, Vice Chairman -

The applicant has sought relief by seeking direction to the respondents to promote him as Enquiry and Reservation Supervisor with effect from 31.07.1999. As non is present on behalf of the applicant, we are disposing of this OA by invoking Rule 15 of CAT (Procedure) Rules, 1987.

2. The facts of the case are that the applicant was working as Senior Enquiry and Reservation Clerk and was empanelled for promotion to the post of Enquiry and Reservation Supervisor. He was promoted to the said post vide order dated 31st July, 1998. The applicant has submitted a representation dated 20th August, 1998 stating his personal difficulties to move outside on promotion and requesting the respondents to promote him at the same place. Since the applicant was not prepared to move outside he was



debarred from promotion for a period of one year till 31st July, 1999. Thereafter the applicant was promoted to the next higher post as Enquiry and Reservation Supervisor on 2nd January, 2001. The grievance of the applicant is that he should have been promoted to this post of Enquiry and Reservation Supervisor after lapse of one year from the date of debarment i.e. on 31st July, 1999. Aggrieved by this the applicant filed this Original Application seeking the aforesaid reliefs.

3. The respondents in their reply stated that there was no vacant post available at Bilaspur and his request for promotion in the same station was not acceded to. The applicant has submitted his refusal to accept the promotion and as such, on the existing rules he was debarred from promotion for one year. Thereafter, upon pin-pointing of post from Durg to Bilaspur, he was promoted to the post of Enquiry and Reservation Supervisor in the scale of Rs. 5500-9000/- on 2nd January, 2001. As there was no vacant post available earlier he was promoted only on 2nd January, 2001 and therefore there is no illegality in promoting him on this date. Moreover the applicant has not filed any representation to the Department for redressal of his grievances.

4. Heard the learned counsel for the respondents. We have carefully considered the pleadings made by both the parties.

5. We find that the applicant was empanelled as Enquiry and Reservation Supervisor and was promoted to the post vide order dated 31st July, 1998 in the pay scale of Rs. 5500-9000/- and was posted at Durg under SS/DUG against newly pin-pointed post of E & RS. Since the applicant has refused



to accept the post of Enquiry and Reservation Supervisor at Durg, he was debarred for promotion for a period of one year from 31st July, 1998. Thereafter no posts of Enquiry and Reservation Supervisor was available at Bilaspur before 2nd January, 2001, against which the applicant could be considered for promotion. It was only on 2nd January, 2001 when on pin-pointing of post from Durg to Bilaspur, he could be promoted to the post of Enquiry and Reservation Supervisor in the pay scale of Rs. 5500-9000/-. Since the applicant has refused to accept the promotion to go to Durg and as no posts were available before 2nd January, 2001, the applicant cannot claim his promotion before that date. Moreover we find from the records that at the time of the applicant's promotion he has not raised any objection and has also not given any representation to the Department against the same. It is only after retirement the applicant has filed this Original Application raising all these issues. Hence we do not find any merit in the issues raised by the applicant, which are without any substance and are therefore rejected.

6. For the reasons recorded above, the Original Application is bereft of merit and is accordingly dismissed, No costs.

  
(G. Shanthappa)  
Judicial Member

  
(M.P. Singh)  
Vice Chairman

"SA"

कृतांकन सं. अम/लक्ष्मी..... जबलपुर. दि.....

प्रतिक्रिया दिनांक.....

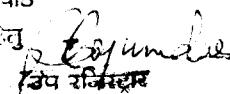
(1) दर्शनी..... विवाही दिनांक, जबलपुर

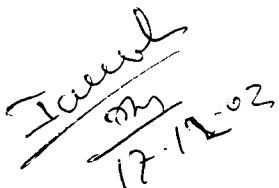
(2) दर्शनी..... विवाही दिनांक V.G. Tamskar, A.I.I.

(3) दर्शनी..... विवाही दिनांक M. Banjare, A.I.I.

(4) दर्शनी..... विवाही दिनांक न्यायमीत

सूचना एवं उत्तरांशक कार्यवाही देते

  
T. P. Singh

  
T. P. Singh  
17.12.02