

Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.200/00604/2017

Jabalpur, this Monday, the 13th day of August, 2018

**HON'BLE SHRI NAVIN TANDON, ADMINISTRATIVE MEMBER
HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER**

Abdul Gaffar, S/o Abdul Gani
Aged about 62 years
Retired Technician Carpenter Gr.II
Carriage & Wagon, West Central Railway
Bhopal (M.P.) R/o Tailor Master Masjid Ward
Badi Bajariya, Bina Distt. Sagar (M.P.) 470113 -Applicant

(By Advocate –Shri R.S. Tripathi)

V e r s u s

1. Union of India, Ministry of Railway
Through its General Manager
West Central Railway, Indira Market
Jabalpur (M.P.) 482001

2. Divisional Railway Manager (Personnel)
Western Central Railways Bhopal Division
Bhopal M.P.462001

3. Senior Section Engineer (C&W)
General, West Central Railway
Bina, Distt. Sagar (M.P.) 470113

- Respondents

(By Advocate –Shri Sapan Usrethe)
(Date of reserving the order: 03.08.2018)

ORDER

By Navin Tandon, AM:-

The applicant is aggrieved by non-grant of benefit of promotion to the post of Technician (Carpenter) Grade-II Rs.5200-20200 + Grade Pay 2400/- with effect from 29.09.2011

and further promotion to the post of Technician (Carpenter) Grade-I Rs.5200-20200 +Grade Pay 2800/-.

2. The applicant has submitted that he was initially engaged as daily paid employee in the year 1989. On 08.09.2005 (Annexure A-2), after passing the Trade Test, he was selected and appointed on the post of Technician (Carpenter) Gr.III.

2.1 The applicant submits that on the basis of seniority-cum-merits, he was further promoted from the post of Technician (Carpenter) Gr.III to Technician (Carpenter) Gr.II vide order dated 29.09.2011 (Annexure A-3). However, the said order was never communicated to him.

2.2 The case of the applicant is that he is entitled to get the benefit of pay scale of Rs.5200-20200 with Grade Pay Rs.2800/- w.e.f. 29.09.2013, i.e. after completion of two years service in Technician (Carpenter) Gr.II. However, the same has been denied to him on the ground that he has not completed two years of service in Technician (Carpenter) Gr.II.

3. The applicant has sought for the following reliefs:-

“8.Relief Sought:

In view of the facts and grounds as detailed in the preceding paragraphs of the present application, the applicant prays for the following reliefs:-

8.A *This Hon'ble Court kindly be pleased to direct/order the respondents to grant benefit of promotion/giving effect*

accruing to Ann. A/3 dated 29.09.2011 and consequentially grant benefit of pay scale of Gr.I Rs.5200-20200 +Grade Pay 2800/- from the date 29.09.2013 or from the date when working employee retired and post laying vacant as on 01.01.2015 to the date of retirement 30.04.2015 along with other consequential benefits.

8.B Any other order/relief which this Hon'ble Tribunal deem fit and proper in the facts and circumstances of the case, in favour of the applicant be also granted.

8.C Costs of the applicants be also granted.”

4. The respondents in their reply have submitted that the applicant was promoted from Technician (Carpenter)-III Pay Band Rs.5200-20200 with Grade Pay Rs.1900/- to Technician (Carpenter)-II Pay Band Rs.5200-20200 with Grade Pay Rs.2400/- vide order dated 28/29.09.2011 and was transferred from Bina to Itarsi. However, the applicant refused said promotion on account of illness of his wife vide his application dated 17.07.2012 (Annexure R-1).

4.1 He was again promoted as Technician (Carpenter)-II and transferred to Bhopal vide order dated 21.03.2013/01.04.2013 (Annexure A-5) and he joined the said post on 10.05.2013 (Annexure A-4). He retired on attaining the age of superannuation on 30.04.2015.

4.2 The claim of the applicant for promotion to the post of Technician (Carpenter)-I was rejected on the ground that he had

not completed two years' service in the post of Technician (Carpenter)-II.

5. Heard the learned counsel for the parties and perused the pleadings and documents available on record.

6. The contention of the applicant that though he was promoted as Technician (Carpenter)-II w. e. f. 29.09.2011, the said order was never communicated to him cannot be accepted at this stage. Vide letter dated 17.07.2012 (Annexure R-1) the applicant himself had refused the said promotion on the pretext of some family problems. Though this fact has been refuted by the applicant in his rejoinder, learned counsel for the applicant, during the course of hearing, has not denied the fact of the signature of the applicant in Annexure R-1. Since the applicant himself had refused the promotion, he cannot be permitted to say that he had not received the copy of the promotion order. Therefore, he is not entitled to get benefit of promotion in terms of order dated 28/29.09.2011 (Annexure A-3) and also further promotion to the next higher grade of Technician Carpenter Grade-I as he had not completed two years service in the post of Technician Carpenter Grade-II before his retirement on

attaining the age of superannuation on 30.04.2015. In this view of the matter, we do not find any merit in this Original Application.

7. In the result, the Original Application is dismissed. No costs.

(Ramesh Singh Thakur)
Judicial Member

(Navin Tandon)
Administrative Member

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