

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.5257 OF 2008

Union of India and ors. -Vs.- Ganesh Raghunath, Bhusaval

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr N. P. Lambat, Advocate for respondent Nos. 2 & 3

CORAM : SUNIL B. SHUKRE AND
G. A. SANAP, JJ.
DATED : 30.09.2022

None for the parties. This petition is pending for final disposal for a long period of time and therefore, we have considered the issue involved in this petition on its own merits, on the basis of the pleadings of the rival parties.

2] Later on Shri N. P. Lambat, learned counsel for respondent Nos. 2 and 3, has appeared. We have heard him. We have also considered the pleading of both sides.

3] The main contention of the petitioners is that the petitioners were not in a position to give effect to the selection list dated 16.07.2003 prepared for promoting the Helper Khalasi, Technical Grade-III to Technical Grade-II for the reason that at the time when the select list was prepared, the respondent was transferred to Bhusaval Division and respondent's Division being different Division falling in different Zone, Bhopal Zone, no promotion Could have been

given to the respondent by Bhopal Zone. It is also the case of the petitioners that at that time when the promotion process was started, there was no bifurcation of Zones into Bhopal and Bhusaval, but, thereafter, there being creation of Bhusaval Zone, the select list insofar as it concerned the selection of respondent, could not be implemented by giving promotion to the respondent.

4] If it is an admitted fact that when the proposal for promotion from Technical Grade-III to Technical Grade-II was under process, there was no separation of Bhusaval Zone from Bhopal Zone and this separation occurred at the time when the select list was prepared, we must say, no fault could be found with the respondent for creation of separate zone. The creation of separate Bhusaval Zone is an internal matter of administration of Indian Railway with which an employee like the respondent has got nothing to do. Therefore, we find the view taken by Central Administrative Tribunal in its impugned judgment and order as a plausible view and therefore, no interference with the impugned judgment and order is possible.

The writ petition stands **dismissed**. No Costs.

(G. A. SANAP, J.)

(SUNIL B. SHUKRE, J.)

Namrata