

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

D. B. Civil Writ Petition No. 1868/2023

1. General Manager, Western Central Railway, Jabalpur, Madhya Pradesh- 482001
2. The Financial Advisor cum Chief Account Officer, Western Central Railway, Jabalpur, Madhya Pradesh - 482001.

-----Petitioners

Versus

Sudheer Kumar Upadhyay Son of Late Shri Balkunthnath Upadhyay, aged about 56 years, Resident of Kala Smiriti, New Post Office Road, Bhim Ganj Mandi, Kota, Rajasthan 324001. Present posted as Divisional Financial Manager, Western Central Railway, Kota. (Presently retired from service)

-----Respondent

For Petitioners	:	Mr. Vishram Meena ADFM and Officer-in-Charge of the petitioners present in person.
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**HON'BLE THE ACTING CHIEF JUSTICE MR. MANINDRA MOHAN SHRIVASTAVA
HON'BLE MR. JUSTICE ANIL KUMAR UPMAN**

Order

09/03/2023

Heard.

This writ petition has been preferred by the petitioners against order dated 12.05.2022 passed by the Central Administrative Tribunal, Jaipur Bench, Jaipur (hereinafter referred to as 'the Tribunal') whereby original application filed by the respondent has been partly allowed.

It has been argued before us that the Tribunal ought not to have condoned the delay and granted the relief to the respondent. It is next submitted that delay in grant of increment



was inevitable because the promotion order of the respondent came to be issued on 02.01.2008.

The order passed by the Tribunal clearly shows that while juniors of the respondent were promoted on 31.12.2007, promotion of the respondent was ordered only on 02.01.2008. The only reason assigned, as contained in para 3 of the order of the Tribunal, is that respondent's promotion could not be finalised due to some clarification sought by DPC accepting authority. Certainly, the delay in the procedure could not be attributed to the respondent. Therefore, the respondent was entitled to promotion from the due date. Since the delay in issuance of order of promotion affected the increment, the respondent has rightly been granted relief by the Tribunal.

The order of the Tribunal does not suffer from any error of jurisdiction and patent illegality, but only seeks to undo the injustice caused to the respondent. No interference in the order passed by the Tribunal is called for by this Court.

The writ petition is, accordingly, dismissed.

(ANIL KUMAR UPMAN),J

(MANINDRA MOHAN SHRIVASTAVA),ACTING CJ