

12th February, 2025
(D/L No.07)
Ct. No.4
(SKB)

W.P.C.T. 9 of 2025

Raghunath Banerjee
Versus
The Union of India and others

Mr. A. K. Gayen,
Mr. S. Chatterjee,
Ms. A. A. Gayen,
Mr. M. Mukhopadhyay
....for the petitioner.

Mr. Suman Chatterjee,
Mr. Amal Kumar Datta
... for the Union of India.

1. Heard the learned counsel for the petitioner and the learned counsel for the respondents/Union of India.
2. The brief facts are not in dispute that the petitioner was earlier officiating as an Assistant Canteen Manager on account of retirement of the Canteen Manager. He moved the Central Administrative Tribunal (in short 'Tribunal') and the authorities for being granted allowance for the discharge of additional duties as Assistant Canteen Manager in addition to the duties being discharged by him on his substantial post as a Salesman Grade-I.
3. After the proceedings, the authorities finally have promoted the petitioner as Assistant Canteen

Manager on 11.02.2012. He thereafter has been promoted on 30.10.2015 as a Senior Canteen Manager Grade-II. His date of retirement from service upon attaining the age of superannuation, is 30.04.2017. It is also not in dispute that for a further promotion from the post of Canteen Manager Grade-II to the post of Senior Canteen Manager, the petitioner was required to have minimum of two years of service as a Canteen Manager Grade-II. The appointment being a non-selection appointment was subject to fulfillment of two years of service in the lower grade in terms of the Railway Board's letter dated 01.11.2002. Copy of the said letter has been supplied to us and the same is being kept on record.

4. The learned counsel for the petitioner, however, submits that vacancy had occurred on the post of Canteen Manager Grade-II in the year 2014 itself. The petitioner had acquired the requisite two years of service as an Assistant Canteen Manager with effect from 11.02.2012 i.e. the date of his substantial promotion to the said post.
5. Since the authorities have delayed the consideration and instead of February, 2014, he has been promoted on 30.10.2015, he has been deprived of his next promotional prospect as

Canteen Manager Grade-I with effect from February, 2017. He, therefore, has approached the Tribunal for antedating of his promotion as Canteen Manager Grade-II and to give him the benefits of promotional post of Canteen Manager Grade-I with effect from February, 2016.

6. The Tribunal has dismissed the petitioner's Original Application. It has considered the case of the petitioner as well the submissions advanced on behalf of the respondent authorities. The conclusion of the Tribunal reads as follows:

“8. We agree with the contention of the respondents that mere completion of two (02) years' service on the part of the applicant in the grade of Assistant Canteen Manager did not confer upon him the right for promotion to the post of Sr. Canteen Manager Grade-II and are of the view that on completion of two (02) years' service in the post of Assistant Canteen Manager, the applicant was only eligible for promotion to the post of Canteen Manager Grade-II.

9. Further, we also agree with the contention of the respondents that the delay in promotion of the applicant to the post of Sr. Canteen Manager Grade-II was necessitated by the fact that the process of restructuring the cadre which was underway was completed only on 30.11.2015. We find that the applicant was promoted to the post of Sr. Canteen Manager Grade-II w.e.f. 30.11.2015 i.e. as soon as the process of cadre restructuring was completed.

10. The applicant has not placed any material to show that he was holding the post of Assistant Canteen Manager prior to his promotion to the said post. We, therefore, agree with the contention of the respondents that, in the absence of regular incumbent of the post of Canteen Manager, the applicant was only asked to temporarily manage the work of the Canteen for a brief period and that he was not posted as Canteen Manager. We are, therefore, of the opinion that the claim of the

applicant for counting the service rendered by him during this period cannot be accepted.

11. In view of the above discussion, we are of the opinion that this Original Applicant lacks merit. The O.A. is, accordingly, dismissed. There will be no order as to costs.”

7. We find from the records that the petitioner was promoted as a Canteen Manager, Grade-II on 30.10.2015. It is not in dispute that after joining the promotional post on 30.10.2015, he was required to serve at least two years in that grade for being eligible for promotion as Canteen Manager, Grade-I which he could not fulfill prior to his retirement on 30.04.2017.

8. We, therefore, find that the petitioner does not possess the requisite qualification in terms of the Railway Board’s letter dated 01.11.2002 which reads as follows:

“(c) In respect of promotions to non-selection post, the following principles should be followed:-

(i) Staff in the immediate lower grade with a minimum service of two years in that grade will only be eligible for promotion, unless a longer length of service in the lower grade has been stipulated as a condition of eligibility for promotion in any particular category. The service for this purpose includes service, if any, rendered on ad hoc basis followed by regular service without break. The condition of two years’ service should stand fulfilled at the time of actual promotion and not necessarily at the stage of consideration. If by virtue of the above rule, a junior is eligible for such promotion, his senior will also be eligible for such promotion, even though he might not have put in a total service of two years, or more (if stipulated in a particular category in the lower grade).”

11. We also find that the petitioner has accepted the promotion w.e.f. 30.10.2015 without any demur since there was some restructuring in the cadre which delayed the promotional process. The said decision has thus been rightly accepted as a bona fide decision by the Tribunal.

12. In these circumstances, we find no reason to interfere with the order dated 10.12.2024 passed by the Central Administrative Tribunal in O.A. No.856 of 2020.

13. The writ petition is, thus, dismissed.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)