



2026:AHC:23699-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 16828 of 2025

Chandeep Sharma

.....Petitioner(s)

Versus

Union of India and 3 others

.....Respondent(s)

Counsel for Petitioner(s)	:	Kavindra Singh
Counsel for Respondent(s)	:	A.S.G.I., Shiv Kumar Pal (D.S.G)

Chief Justice's Court

HON'BLE ARUN BHANSALI, CHIEF JUSTICE
HON'BLE KSHITIJ SHAILENDRA, J.

1. This petition is directed against order dated 26.09.2025 passed by Central Administrative Tribunal, Allahabad Bench, Allahabad ('Tribunal') in Original Application ('OA') No. 610 of 2015, whereby the OA filed by the petitioner against the orders dated 23.02.2015 and 15.01.2015 has been dismissed.

2. The OA was filed with the submissions that the petitioner was initially engaged as Casual Labour on 26.02.1976 and was granted temporary status of Khalasi on 01.01.1981, subsequent thereto after screening and publication of result on 21.1.1983, petitioner's lien was fixed as Khalasi. In 1992, petitioner was relieved from North East Railway, Lucknow and joined the North East Railway, Varanasi. The petitioner made a representation that if post of Khalasi is not vacant at Varanasi then he may be sent back to Lucknow, however, his lien was changed by the authorities at Varanasi and he joined as Trolleyman at Varanasi. Aggrieved of the same, the petitioner, along with others, filed industrial dispute before the Central Government Industrial Tribunal, Kanpur ('CGIT'), which was decided by CGIT on 12.10.2011 in favour of the petitioner. The representations made by the petitioner seeking promotion was rejected by impugned orders dated 23.02.2015 and 15.01.2015. Feeling aggrieved, the OA was filed.

3. Response was filed by the respondents, wherein it was indicated that the lien of the petitioner was maintained in the seniority list of Khalasi in compliance of the directions of CGIT and he was called for trade test as the juniors to the petitioner had already been promoted after passing the prescribed trade test, however, as the petitioner did not appear in the trade test, he was not given the benefit of promotion. Writ Petition No. 62578 of 2013 for executing the award dated 12.12.2011 was filed, which was disposed of on 18.11.2013 requiring the CGIT to pass appropriate order on which order dated 18.07.2014 was passed, which fact was concealed by the petitioner. Rejoinder was filed reiterating the averments made in the OA.

4. The Tribunal, after hearing the parties, found that admittedly the lien of the petitioner was maintained in the seniority list of Khalasi and he was called for appearing in the trade test, which was held on 20.01.2013 but the petitioner himself chose not to appear and as such he was not given the benefit of promotion. The said aspect was communicated to him by orders dated 15.01.2015 and 23.02.2015.

5. The Tribunal came to the conclusion that as the petitioner had not appeared in the trade test, which was essential qualification for promotion, he was rightly denied the benefit of promotion and there is no illegality or infirmity in the order impugned. The Tribunal also noticed that the petitioner had already superannuated from service and as such, relying on judgment in **Government of West Bengal and Ors. Vs. Dr. Amal Satpathi and Ors. : 2024 SCC OnLine SC 3512**, came to the conclusion that retrospective promotion after superannuation cannot be granted and consequently, dismissed the OA.

6. Learned counsel for the petitioner made submissions that the Tribunal was not justified in dismissing the OA inasmuch as the petitioner was called to appear in the trade test for Signal Maintainer Grade III having Grade Pay of 1900, however, since 2010, he was getting Grade Pay of Rs. 2000, so he refused to appear in the trade test to be held on 20.01.2013 and therefore, as the refusal was justified, the same could not form the basis for denying the promotion.

7. Learned Dy. S.G. supported the order.

8. We have considered the submissions made by learned counsel for the parties.

9. A bare look at the order dated 15.01.2015 passed by the respondents reveals that the petitioner was required to appear for trade test as 'First Step' for the purpose of according him promotion as was accorded to his juniors, however, for the first step itself, when the petitioner did not appear for the trade test, the subsequent steps naturally did not follow for which the petitioner possibly cannot make any grievance.

10. So far as the reason given for not appearing for the trade test is concerned, merely because the petitioner was getting Grade Pay of Rs. 2000, as claimed, he could not have refused to appear in the trade test only on account of the fact that the trade test was being held for a post, which was having lower Grade Pay, inasmuch, as indicated, the same was first step towards further promotion and as the petitioner did not clear the first step, the claim made for getting higher post with better grade pay (promotion), could not be accorded to the petitioner and as such, as the ground given for the refusal to appear for the trade test is baseless, the petition apparently has no substance.

11. A feeble submission was made that in case, the petitioner was not entitled for promotion as has been done by the respondents, he was entitled to grant of MACP as the petitioner was not accorded any promotion during his entire tenure.

12. A perusal of the OA reveals that only a one line ground was raised in the petition, without any material/further assertion, which was duly denied by the respondents and in the rejoinder again a wholly cursory indication was made regarding denial of MACP. In that view of the matter, for lack of any pleadings/material and taking into account the fact that wholly cursory assertions and apparently no submissions have been made before the Tribunal, as the order does not indicate any plea raised in this regard, we do not find any error in the order passed by the Tribunal.

13. Consequently, we do not find any reason to interfere with the order

passed by the Tribunal. There is no substance in the petition, the same is, therefore, dismissed.

(Kshitij Shailendra,J.) (Arun Bhansali,CJ.)

February 3, 2026
Mukesh Pal