

Central Administrative Tribunal, Principal Bench

Original Application No.133 of 2002

New Delhi, this the 16th day of January, 2002

Hon'ble Mr. Justice Ashok Agarwal, Chairman
Hon'ble Mr. S.K. Agrawal, Member (A)

A.P. Sharma
Aged about 58 years
S/o Shri
R/o C-3/261, Yamuna Vihar, New Delhi
Working as Station Master Duganpur
Northern Railway, Muradabad
Division

....Applicant

(By Advocate: Shri H.P. Chakravarty)

Versus

Union of India, through

1. The Chairman Railway Board
Principal Secretary
to Govt. of India,
Ministry of Railways
Rail Bhawan, New Delhi
2. The General Manager
Northern Railway, Baroda House
New Delhi
3. The Divisional Railway Manager
Northern Railway,
Muradabad (U.P.)

....Respondents

O R D E R (ORAL)

By Hon'ble Mr. S.K. Agrawal, Member (A)

This OA is against the impugned order dated 24.7.2000 for non-inclusion of the name of the applicant for the post of Station Superintendent.

2. The applicant is working as a Station Superintendent w.e.f. October, 1996. He was given adverse remarks i.e. 'below average' for the year ending 31.3.97 and 31.3.99 which were communicated to him on 5.2.99 and 6.3.2000, respectively. The case of the applicant is that the adverse remarks were communicated to him after two years and in the meantime, DPC was held



on 9.5.2000 for promotion to the post of Station Superintendent Grade-I where the applicant was not found suitable for promotion.

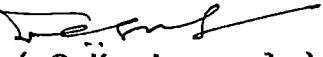
3. The applicant made a representation to the respondents which was replied by the respondents vide letter dated 3.1.2001, stating that since his confidential reports were found 'below average', he was not found suitable for promotion by the selection committee. The case of the applicant is that on his representation, the adverse remarks for the year ending 31.3.97 were suitably modified by the respondents and he was informed accordingly vide letter dated 16.6.99. Similarly, adverse remarks for the year ending 31.3.99 were also modified suitably by the respondents and he was informed vide letter dated 7.6.2000. Since the DPC for promotion was held on 9.5.2000, it is possible that the decision of the respondents modifying the confidential remarks of the applicant for the year ending 31.3.99 could not have been considered by the DPC.

4. Heard Shri H.P.Chakravarty, learned counsel for the applicant.

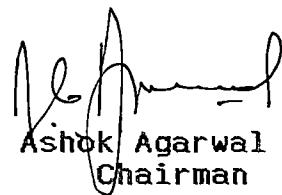
5. The respondents are directed to hold a review DPC for considering the confidential report of the applicant for the year ending 31.3.99, if found necessary, and also reply to the applicant's representation dated 27.7.2000 and further reminder of 3.8.2000 by a speaking



order. With the above remarks, the OA is disposed of at the admission stage with no order as to costs.


(S.K. Agrawal)
Member (A)

/dkm/


(Ashok Agarwal)
Chairman