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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1700/96

New Delhi, this 5th day of May, 2000

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)
Hon'ble Smt. Shanta Shastry, Member(A)

R.S. Sehgal:
B.N.14, Poorvi Shalimar Bagh .. Applicant
New Delhi-52

(By Shri M.L.Sharma, Advocate)

, versus

Union of India, through

1. Secretary
Ministry of Railways
Rail Bhavan, New Delhi
2. General Manager
Northern Railway
Baroda House, New Delhi .. Respondents

(By Shri D.S.Jagotra, Advocate)

ORDER(oral)

By Reddy, J. -

1. The applicant was initially appointed as AIOW in 1957. While he was working as Assistant Engineer (civil), adverse remarks for the period ending 31.3.89 were conveyed to him by letter dated 8.6.89. On his representation against it, the respondents expunged part of the adverse remarks by letter dated 27.10.89. Not satisfied, he filed OA No.169/90 before the Principal Bench and the OA was disposed of by an order dated 25.11.94, directing the respondents to reconsider the representation of the applicant on merits, in the light of the observations made by the Tribunal, and in case the adverse remarks were expunged, a review DPC shall be held and if the applicant was found fit in those proceedings, he should be given consequential benefits. Accordingly applicant's representation was reconsidered and the adverse remarks were expunged in toto by order

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dated 31.5.95. Subsequently, a review DPC has been constituted on 9.4.96 to consider the case of promotion to the post of Senior Engineer (Civil). As the applicant was not found fit for promotion by the review DPC, he was not promoted. He now questions the action of the respondents in not promoting him in the present OA. Learned counsel for the applicant submits that the review DPC has not re-considered his ACR after the adverse remarks were expunged.

2. Learned counsel for the respondents submits that in accordance with the judgement of Tribunal, review DPC was held and after reviewing all the relevant ACRS, the applicant was found unfit for promotion. Respondents have furnished the ACR dossier and other relevant records for our perusal.

3. We have carefully perused the pleadings, ACR dossier and other relevant records and also considered the arguments advanced by either side.

4. The only question that has to be seen is whether the respondents have complied with the directions of the Tribunal. It was not disputed that after the adverse remarks were expunged, the respondents had convened the review DPC and considered the ACRs of the applicant for the relevant period. It is seen that the ACR for 1989 was also taken into consideration but the applicant did not obtain the marks required for promotion. The contention of the applicant is that after the expunction

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of the adverse remarks the gradation should automatically get changed. From the remarks of the reporting and reviewing authorities, it appears that his grading "good" given was not arbitrary. Nothing is placed before us to show that he was entitled for "Very good" grading or that grading "good" was given taking into consideration irrelevant material. In this view of the matter the applicant cannot have any grievance and it is not possible for us to re-assess the merit of the applicant. It was for the DPC to assess the grading of the applicant and it has rightly done so. We do not find any merit in the OA. The OA is therefore dismissed. No costs.

Shanta Shastray
(Smt. Shanta Shastray) (V.Rajagopala Reddy)
Member(A) Vice-Chairman(J)

/gtv/