

Central administrative Tribunal, Principal Bench

O.A.No.282/96

Hon'ble Smt. Lakshmi Swaminathan, Member(J)  
Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this the 29th day of August, 1997

Shri Phalguni Matilal  
s/o Late Shri K.C.Matilalr/o 29,  
Panchsheel Apartments  
A-1, Panchsheel Enclave  
New Delhi - 110 017.

... Applicant

(By Shri G.D.Gupta, Advocate)

Vs.

1. Union of India in the  
Ministry of Railways through  
the Chairman  
Railway Board  
Rail Bhawan  
New Delhi - 110 001.

2. Shri N.P.Srivastava  
Advisor (Budget)  
Ministry of Railways  
Rail Bhawan  
New Delhi - 110 001.

... Respondents

(By Shri E.X.Joseph, Senior Advocate with Shri S.M.Arif)

O R D E R (Oral)

Hon'ble Shri R.K.Ahooja, Member(A)

The applicant, a Senior Administrative Grade (in short SAG) officer in the pay scale of Rs.5900-6700, is aggrieved by his non-empanelment for promotion to Higher Administrative Grade (in short HAG) in the scale of Rs.7300 - 7600 along with others in the panels approved by the Appointment Committee of the Cabinet in November, 1995 and in March, 1996. He alleges that contrary to the extant instructions issued by the Department of Personnel & Training, Railway Board surreptitiously laid down illegal guidelines regarding assessment of officers by 'point system' which resulted in his name being over looked.

2. We have heard the counsel on both sides. Learned counsel for the applicant has taken us through the instructions issued by the DP&T and the Railway instructions notified from

De

time to time. The 'point' system was followed as per the Railway Board's Confidential D.O. letter dated 15.5.1987, Annexure-A5) where points were allocated out by the DPC for 'Outstanding', 'Very Good', etc. reports and the final selections were made on obtaining certain minimum marks. Later, the DP&T vide OM dated 10.3.1989, A-8 prescribed that in respect of posts which are in the level of Rs.3700-5000 and above the 'Bench Mark' should be "Very Good", the selection being made on the basis of overall grading which will be one in 'Outstanding', 'Very-Good', 'Good', 'Average' and Unfit. The learned counsel submits that vide internal guidelines issued by the Railway Board on 25.5.1993 another 'Bench Mark' based on 'Point System' was introduced. He submitted that this was clearly contrary to the instructions issued by the DP&T in their OM 10.3.1989. He argued that the applicant, according to his information, secured one 'Outstanding', three 'Very Good' and one 'Good' reports. Therefore, he must have been given an overall grading of 'Very Good' and hence even if some junior who came within the Very Good category but had obtained higher number of points, could not supersede him since the applicant had obtained the requisite Bench Mark. He submitted that as per the instructions of the DP&T dated 10.3.1989, only such juniors who had been graded as 'Outstasnding' could have superseded the applicant.


3. The learned counsel for the respondents has submitted that the instructions dated 25.5.1993, being of Secretary, Railway Board, were informal guidelines for the DPC. He pointed out that the DPC would evolve their own method for assessing the officers and this was only by way of guidelines for them. He submitted that there was therefore no contradiction between the DoPT guidelines of 1989 and the Railway Board's confidential internal guidelines, of 1993.

Dr


4. Having heard the counsel we considered <sup>it</sup> appropriate to call for the records of the DPCs to ascertain as to what method was followed by the DPCs. Accordingly, the original records of the DPCs conducted in May, 1995 and January, 1996 have been produced by the respondents. We have perused the same and are satisfied that no point system has been followed and ~~the~~ <sup>and</sup> DPC has made the recommendations on the basis of the overall grading given by it to each officer considered by it. This being so there is no contravention of the rules by the DPC. As for the overall gradings given by the DPC we cannot substitute our judgment in place of that of the DPC.

5. Learned counsel for the applicant has fairly stated that this being the position he has no grievance. Since the records of the DPC show that the apprehension of the applicant in regard to the point system being followed by the DPC is unfounded, we need not proceed further with the OA.

The OA is accordingly dismissed. No costs.

  
(R.K. AHOSUA)  
MEMBER(A)

/rao/

  
(SMT. LAKSHMI SWAMINATHAN)  
MEMBER(J)