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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

REGN. NO. D.A. 1517/87. DATE OF DECISION: 10.2.1993

V.K. Sharma. ... Petitioner.

Versus

Union of India,
through
General Manager,
Northern Railway,
New Delhi. ... Respondent.

CORAM: THE HON'BLE MR. JUSTICE V.S. MALIMATH, CHAIRMAN.
THE HON'BLE MR. S.R. ADIGE, MEMBER(A).

For the Petitioner. ... Shri S.K. Sawhney,
Counsel.

For the Respondent. ... Shri O.N. Moolri,
Counsel.

JUDGEMENT (ORAL)

(By Hon'ble Mr. Justice V.S. Malimath,
Chairman)

The grievance of the petitioner is in regard to the impugned order dated 13.4.1987 whereby he was declared unsuitable for promotion to the post of Chief Permanent Way Inspector in the scale of Rs.640-1040. This was on the basis of some adverse confidential entry. The petitioner relies upon a communication Annexure A-3 which says:

"It is clarified that no adverse entry for the above period were received from your office for communicating to the employee".

2. It is, therefore, clear that the adverse entry was not communicated to the petitioner. No adverse entry has been relied upon or filed along with the reply. Hence, we shall proceed on the basis that there was no adverse entry

against the petitioner. The petitioner has prayed in this case for a direction to the respondents to accord him promotion in accordance with law. Hence, this petition is allowed and the impugned order dated 13.4.1987 declaring him unsuitable for promotion is hereby quashed. The respondents are directed to consider his case for promotion and if he is found fit and suitable, accord him promotion and consequential benefits including seniority and monetary benefits flowing from the same within four months from the date of communication of the order. No costs.

S.R. Adige
(S.R. ADIGE)
MEMBER(A)

V.S. Malimath
(V.S. MALIMATH)
CHAIRMAN

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