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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A.No-2640/93.

Date of decision: 17-2-95

Hon'ble Shri S.R. Adige, Member (A)

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Shri P.P. Agarwal,
S/o Shri R.N. Agarwal,
Dy. Chief Engineer (General),
Office of the General Manager,
Northern Railway,
Baroda House,
New Delhi-110 001.

.. Applicant

(By Advocate Shri R.K. Kamal)

versus:

Union of India through
The Chairman,
Railway Board,
Rail Bhawan,
Rafi Marg,
New Delhi-1.

.. Respondents

(By Advocate Shri P.H. Ramchandani with
Shri D.S. Mohindru)

O_R_D_E_R

LHon'ble Smt. Lakshmi Swaminathan, Member (Judicial) J

This application has been filed by the applicant claiming that he has been illegally overlooked for promotion to the Senior Administrative Grade (Rs. 5900-6700) in 1992 and for quashing the impugned order dated 12.9.1993 (Annexure A-1). By this letter, he was informed that his claim for promotion to Senior Administrative Grade was considered by the Railway Board but they regret that he was not selected on the basis of his performance. Hence, this O.A.

2. This application has been dealt together with O.A. No. 1529/94 (which was earlier filed as O.A. No. 1105/89 in the Allahabad Bench of the Tribunal). The O.A. No. 1529/94

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has been disposed of by separate order of even date and it is, therefore, not necessary again to deal with the facts of this case/in detail here.

A copy of the order in O.A. No. 1529/94 may also be placed in this file.

3. The applicant's contention that he was superseded by his juniors for promotion to the Junior Administrative Grade because the Selection Committee had taken into account the adverse entries in the ACR for the year 31.3.1989, which was the subject matter of grievance in O.A. No. 1529/94 has been rejected based on the records in the case. The rejection of his representation against the adverse confidential report by order dated 6.11.1990 has/been upheld in that O.A. ^{also}

4. During the pendency of O.A. No. 1529/94, the applicant had been promoted to the Selection Grade of the IRSE (Rs. 4500-5700) on 6.11.1990 (Annexure A-4). In the present application, the applicant's claim is that he had become due for promotion from Selection Grade to Senior Administrative Grade (Rs. 5900-6700) in 1992 when the selection committee met in 1992 for the preparing/panel for Senior Administrative Grade. According to the applicant, he was rejected on the basis of the adverse confidential report for the year ending 31st March, 1989 which has now become irrelevant after his promotion to the Selection Grade on 6.11.1990. The main contention of Shri R.K. Kamal, learned counsel for the applicant, was that once the applicant had been promoted to Junior Administrative Grade w.e.f. 6.11.1990 he ought to have been selected for the Senior Administrative Grade in 1992 without taking into account the adverse confidential report for the year ending 31.3.1989.

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5. The respondents have stated, in their reply, that the selection to the post in Senior Administrative Grade has been made by a High Level Selection Committee. As per the procedure laid down by the Ministry of Railways (Railway Board) vide D.O. letter dated 26.9.1989 (Annexure R-1), the claim of the applicant for empanelment to Senior Administrative Grade was considered along with others in the years 1992 and 1993 but he was not selected on the basis of his over-all performance as reflected in the ACRs. They have also denied the contention of the applicant that he has been discriminated against while submitting his papers for consideration by the Selection Committee.

6. We have heard the learned counsel of both the parties and perused the records. We find from a perusal of the records that the applicant was among/officers, who have been duly considered by the Selection Committee, which met on 16.7.1992 to select suitable officers for Senior Administrative Grade of IREC. The Selection Committee has noted against his name that he was ' not fit '. We also find that the procedure for such selection has been followed by the Committee. Further, the contention of the applicant that once he had been selected for promotion to the Junior Administrative Grade on 6.11.1990, the adverse remarks for the year ending 31.3.1989 becomes irrelevant is not based on any rule. His representation against the adverse remarks has been duly considered by the competent authority and rejected. Hence, there was no irregularity in the Selection Committee assessing the performance of the applicant based on the confidential reports for the relevant years.

7. In the facts and circumstances of the case, the

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contention of the applicant that the respondents action is arbitrary or against the rules is rejected.

8. In the result, the application fails.

It is accordingly dismissed. There will be no order as to costs.

Lakshmi
(Smt. Lakshmi Swaminathan)

Member (J)

Adige
(S.R. Adige)
Member (A)