

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

ORIGINAL APPLICATION NUMBER 673 OF 1996

ALLAHABAD THIS THE 04th DAY OF SEPTEMBER, 2003

HON'BLE MR. JUSTICE R.R.K. TRIVEDI, V.C.
HON'BLE MR. D. R. TIWARI, MEMBER (A)

Smt. Usha Rani Paul,
aged about 45 years daughter of
Shri Paul Francis residing at 847,
Azad Colony, Nainagarh, Nagra,
Jhansi.

..... Applicant

(By Advocate : Shri M.P. Gupta)

V E R S U S

1. The Union of India through the General Manager,
Central Railway, Mumbai.
2. The Controller of Stores,
Central Railway, Mumbai.

..... Respondents

(By Advocate : Shri G.P. Agarwal)

O R D E R

By Hon'ble Mr. Justice R.R.K. Trivedi, Vice-Chairman

By this O.A. filed under section 19 of Administrative Tribunals Act, 1985, the applicant has challenged the adverse remarks made in the character roll for the year ending on 31.03.1995. She has prayed to expunge the same on the grounds of being malafide, arbitrary and vague. The applicant has also prayed for a direction to respondents to consider the promotion of the applicant on the post of O.S. Grade-I



ignoring the adverse remarks and to promote her ^{on} the said post w.e.f. the date her juniors have been promoted.

2. This O.A. was heard on 15.11.2002 and direction was given to the learned counsel for the respondents to produce the necessary service record of the applicant including CR dossier. Today, Shri G.P. Agarwal, counsel for the respondents has placed before us the entries and service record.

3. We have perused the entry given to the applicant for the year ending on 31.03.1995. The remarks given were confirmed by the reviewing authority and applicant's overall assessment was found as 'below average'. She filed a detailed representation against the remarks communicated to her. The representation of the applicant was rejected vide order dated 04.12.1995. In order to appreciate the fact, whether the remarks given in the year ending on 31.03.1995 are justified, or they have been made in arbitrary manner, we also perused the entries given for ~~the~~ ^{the} years and compared them with the entries in dispute. The entries given for the years ending on 31.03.1992, 31st March 1993, 31st March 1994, 31st March 1995, 31st March 1996 and also 31st March 1997 have been perused and find that it is difficult to accept the submissions of the applicant. Between the years 1992 to 1997, in four years applicant has been assessed for grading 'average' and only in 2 years i.e. 1993 & 1994 the grading assessed was 'good'. In the above facts it cannot be said that impugned adverse entry was given in arbitrary manner.

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4. In the circumstances, the applicant is not found entitled for any relief. The O.A. has no merit and accordingly dismissed. No order as to costs.

D. D. Desai
Member (A)

[Signature]
Vice-Chairman

shukla/-