

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 19th day of November, 2001.

C O R A M :- Hon'ble Mr. Justice R.R.K. Trivedi, V.C.
Hon'ble Maj. Gen. K.K. Srivastava, A.M.

Original Application No. 443 of 1993.

Dr. V.P. Gupta a/a 56 years S/o Late J.P. Mathur
R/o 4-A, Road No.2, Officers Colony, N.E. Rly.,
Izzatnagar, Bareilly.

.....Applicant

Counsel for the applicant :- Sri V.K. Burman

V E R S U S

1. Union of India through the Chairman,
Railway Board, Rail Bhawan, New Delhi.
2. The Secretary (Establishment), Railway Board,
Rail Bhawan, New Delhi.
3. The Director General (Medical), Medical Health
Service, Railway Board, Rail Bhawan, New Delhi.
4. The Chief Medical Officer, N.E. Rly., Gorakhpur.
5. Chief Medical Superintendent, N.E. Railway,
Izzatnagar, Bareilly.

.....Respondents

Counsel for the respondents :- Sri V.K. Goel

O R D E R (Oral)

(By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.)

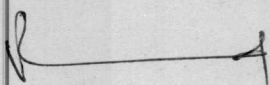
By this application under section 19 of the
Administrative Tribunals Act, 1985, applicant has
prayed for direction to respondents to grant him



selection grade in J.A grade at par with his juniors. He has also prayed that consequential benefits may also be paid. The other relief for direction to respondents not to give effect to transfer order dt. 12.03.1993 has not been pressed before us. Thus the sole consideration before us as to whether the applicant was denied selection grade correctly or not.

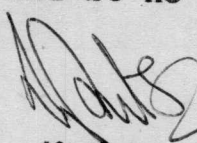
2. Learned counsel for the applicant has submitted that applicant was awarded adverse entry in 1991 which was expunged in December, 1992. According to order, two D.P.C were held before the adverse entry was expunged. It is submitted as the adverse entry ~~was~~^{was} continued, it caused prejudice against the applicant and he was not found suitable by the D.P.C. Learned counsel for respondents has on the other hand submitted that the facts regarding adverse entry which was ~~expired~~^{expunged} in December, 1992, at that time, applicant was under consideration for selection grade. It is submitted that D.P.C had laid-down criterion to select the candidates who were at-least awarded two 'very-good' entries out of five years. Learned counsel for the respondents has submitted that the applicant was ~~was~~^{awarded one} 'very good' entry only in one year and as he failed to satisfy the criterion, he was not found suitable for selection grade..The entire service record of the applicant relating to the relevant years has been placed by learned counsel for the respondents which has also been perused by learned counsel for the applicant.

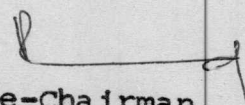
3. There is no dispute about facts that adverse entry was expunged in December, 1992 but adverse entry



^{could be of any consequence before}
~~not disputed by all~~ the three D.P.Cs held on
20.05.1992, 09.11.1992 and 11.05.1994. The critarian
for selection was that candidate must have secured
very good entry atleast ⁱⁿ two years out of five years.
It is not disputed that applicant failed to secure
very good entry ⁱⁿ ~~of~~ two years out of five years
during the relevant period. In the facts and
circumstances, as he failed to satisfy the critarian,
it can not be said that any illegality or arbitrayness
was done in refusing him ^{for} ~~for~~ selection grade. For the
reasons stated above, we do not find any force in
this O.A. The OA is accordingly dismissed.

4. There will be no order as to costs.


Member- A.


Vice-Chairman.

/Anand/