

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION No.1253/1994

MONDAY, THIS THE 13TH DAY OF MAY, 2002

HON'BLE MR. JUSTICE R.R.K. TRIVEDI .. VICE CHAIRMAN

HON'BLE MR. C.S. CHADHA .. MEMBER (A)

1. Dr. (Mrs.) S.J. Code,
W/o Dr. J.D. Code,
137-A, NE Railway Officers Colony,
Lahartara, Varanasi,
presently working as Chief Medical Supdt.,
NE Railway, Varanasi. ...

2. Dr. (Mrs.) M. Singh,
W/o Dr. Vijoy Kumar Singh,
Medical Supdt. (Selection Grade),
NE Hospital, Moghalsarai,
Varanasi. ... Applicants

(By Advocate Shri S. Agarwal)

Versus

1. Union of India, through
the Secretary,
Ministry of Railway,
New Delhi.
2. Railway Board, Rail Bhavan,
New Delhi, through its Secretary.
3. The General Manager, NE Railway,
Gorakhpur.
4. The General Manager, Eastern Railway,
Calcutta.
5. Dr. A.K. Das
6. Dr. P.K. Bhattacharyaji
7. Dr. A. Das Gupta
8. Dr. H.P. Nigam
9. Dr. M.K. Bhattacharyaji
10. Dr. S.K. Parmanik
11. Dr. A.K. Das
12. Dr. B. Das
13. Dr. C.R. Kapoor
14. Director General,
Railway Health Service,
New Delhi.

(Respondents 5 to 13 are to be served through
the Secretary, Railway Board, Rail Bhavan,
New Delhi) ... Respondents

(By Advocates Shri Lalji Sinha/P. Mathur)

O R D E R - (ORAL)

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

By this O.A. under Section 19 of the A.T. Act, 1985, the applicants have challenged the para 3(ii)(c) and (d) of letter dated 26.9.1989 (Annexure-A1A of the O.A.) as being violative of Articles 14 and 16 of the Constitution of India.

2. The facts of the case are that the applicants were serving as Chief Medical Officers in Indian Railways. ^{2/2} The selection for promotion in the Senior Administrative Grade, the applicants were also considered, but they were not selected. Aggrieved by which they have filed this O.A. challenging the selection process initiated under the impugned order mentioned above. The selection ~~has~~ also been challenged on the ground that juniors have been selected and the applicants have been superseded. The relevant paragraphs of the order dated 26.9.1989 are being reproduced below:

"3. For promotions from J.A. Grade to S.A. Grade and from S.A. Grade to Additional Secretary's Grade (Rs.7300-7600), the following principles will be followed.

...

...

ii) (c) Where an officer is working against a higher grade and has earned CRs in that grade, his CRs in that grade would be considered by the selection committee only as an assessment of his work, conduct and performance and no extra weightage should be given merely on the ground ~~of~~ that he has been officiating in the higher grade.

...3..

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- ii)(d) The selection committee could not be guided merely by the overall assessment if any that may be recorded in the CRs, but will make its own assessment on the basis of the entries in the CRs.

3. From the aforesaid, it is clear that the Railway Board introduced the aforesaid process for selection to the higher grades to strengthen the middle and senior management. It has been ^{also} a matter of policy, the object to be achieved was that while merit has to be recognised and awarded advancement in an officer's career should not be recorded as a matter of course and should be earned by dint of hard work, good conduct and result oriented performance and potential for shouldering higher responsibility as reflected in the Annual Confidential Reports and should be based on strict and rigorous selection process. On the basis of the procedure laid down in the aforesaid order, the A.C.Rs of the officers were scrutinised and their grades were formed and best among them were selected for promotion. We do not find any illegality in the procedure adopted. This procedure has already been considered and approved by the Hon'ble Supreme Court in the case of R.S. DAS Vs. UNION OF INDIA (1981) SCC 593.

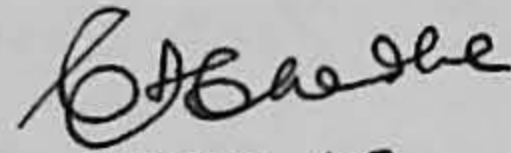
4. The learned counsel for the applicant then submitted that juniors were promoted and the applicants who were senior were ignored. We do not find any merit in this grievance. It is not disputed that the post was a selection post and in the selection a junior having better merit may be selected in preference to the senior.



...4..

Shri Lalji Sinha, counsel for respondents also informed us that both the applicants have retired. In the facts and circumstances of the case, we do not find any merit in this O.A.

5. Accordingly, the O.A. is dismissed. No order as to costs.


MEMBER (A)


VICE CHAIRMAN

psp.