

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,  
ALLAHABAD.

Dated: Allahabad, the 16th day of April, 2001.

Coram: Hon'ble Mr. Rafiq Uddin, J.M.

Hon'ble Mr. S. Biswas, A.M.

ORIGINAL APPLICATION NO. 798 OF 1995

R. C. Verma,  
s/o Sri Madan Lal Verma,  
aged about 41 years,  
working as Senior Chargeman Gr.  
Rs.1600- 2660 (RPS) under  
Divisional Railway Manager  
Central Railway, Jhansi.

..... Applicant  
(By Advocate Sri H. P. Pandey )

Versus

1. Union of India through the General Manager,  
Central Railway, GM's office, Bombay VT.
2. Chief Mechanical Engineer,  
Central Railway Hqrs. Office Bombay VT.
3. Chief Motive Power Engineer (Diesel),  
Central Railway, GM's office, Bombay VT.

..... Respondents  
(By Advocate: Sri B.B. Paul )

O\_R\_D\_E\_R (ORAL)

(By Hon'ble Mr. Rafiq Uddin, JM)

The applicant, who is working as Senior  
Chargeman Grade B in the pay-scale of Rs.1600-2600

under the Divisional Railway Manager, Jhansi, has approached this Tribunal for issuing directions to the respondents to place him in the seniority above his juniors, who were promoted under the orders dated 19.1.94 and 1.2.94, superseding the applicant and to grant him all the consequential monetary reliefs by way of fixation of pay in the pay-scale of Rs.2000- 3200 with effect from 1.3.99.

2. The applicant has, thus, sought promotion in the grade of Rs.2000- 3200/- as Chargeman Grade II. It is an admitted case of the parties that procedure for promotion to the post, in question, was modified by the Railway Board's circular dated 27.1.1993. In the selection, the suitability of the candidate was to be considered after scrutinising his confidential report. It is the respondents' claim that the applicant was considered by the Selection Committee for being placed on the panel of Assistant Electrical Foreman (Diesel), but the Board did not find the applicant suitable for being placed on the panel.

3. We have heard Sri H.P. Pandey for the applicant.

4. It has been contended by the learned counsel for the applicant that ~~since~~ during the relevant period for consideration no adverse remarks was ever communicated to the applicant. An employee who is even graded as 'Average' is still eligible for promotion, in terms of Railway Board's Circular

3.

dated 8.10.93. We find from the perusal of the Counter Affidavit that the respondents have not disclosed the details of reasons for the applicant ~~for~~ having been found unsuitable by the Selection Committee. The learned counsel for the Respondents is also not present to throw any light on this question. We, however, find from the contents of the Railway Board's Circular dated 8.10.93 that a candidate could also be found suitable even in case he has been awarded 'average' entry in his confidential report.

5. Under the facts and circumstances of the case, we, therefore, direct the respondents to re-consider the case of the applicant for empanelment to the post of Assistant Electrical Foreman (Diesel) in the light of Railway Board's Circular No. E(NG) I-92 (CR)/3 dated 8.10.93. It is also provided that in case the claim of the applicant is rejected, the order will be passed with reasons and evidence. This exercise will be carried out within a period of three months from the date of communication of this order to the respondents.

No order as to costs.

*S. D.*  
A.M.

*Ranjanuddin*  
J.M.

Nath/