

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD.

Dated : This the 31st day of JANUARY 2005.

Original Application no. 279 of 2002.

Hon'ble Mr. Justice S.R. Singh, Vice-Chairman  
Hon'ble Mr. S.C. Chaube, Member A

R.C. Verma, S/o Sri M.L. Verma,  
working as Sr. Chargeman, Diesel Loco Shed, Jhansi,  
R/o 1357/1, Khati Baba, Jhansi.

... Applicant

By Adv : Sri R.K. Nigam

V E R S U S

1. Union of India through General Manager,  
Central Railway, Mumbai CST.
2. Chief Personnel Officer (Mech.),  
Central Railway,  
Mumbai CST.
3. Divisional Railway Manager, C. Rly.,  
Jhansi.

... Respondents

By Adv : Sri D. Awasthi

O R D E R

By Justice S.R. Singh, VC.

Heard Sri R.K. Nigam, learned counsel for the  
applicant and Sri Anil Kumar brief holder of Sri D. Awasthi,  
learned counsel for the respondents.

2. <sup>What</sup> The applicant is Senior Chargeman Gr 'B' in the  
pay scale of Rs. 1600-2600 working under the Divisional  
Railway Manager, Jhansi had earlier approached the Tribunal

*R.K.N*

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by means of OA no. 798/95 for issuance of direction to the respondents <sup>therein</sup> to place him in the seniority above his juniors and to grant him all consequential benefits by way of fixation of pay in the pay scale of Rs. 2000-3200 w.e.f. 1.3.1999.

3. The applicant has sought for promotion in the pay scale of Rs. 2000-3200 as Chargeman II. The Tribunal having regard to the scheme of promotion as modified by Railway Board's circular dated 27.1.1993, which provides that suitability of the candidate could be judged after scrutinising his Confidential Records (CR), disposed of the OA with direction to the respondents to reconsider 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 08.10.1993. While disposing of the above OA the Tribunal <sup>had</sup> <sup>in view</sup> made <sup>an</sup> observation that <sup>by</sup> Railway Board's circular dated 08.10.1993, a candidate could be found suitable notwithstanding that he was awarded 'AVERAGE' entry in his CR.

4. Consequent upon the direction given by the Tribunal ~~the~~ case of the applicant was reconsidered <sup>by</sup> the Competent Authority but ~~he~~ was found 'NOT YET FIT' for promotion on the basis of over all assessment of record of service. The applicant was found ~~yet~~ not fit for promotion having regard to his CR for the period ending 31.3.1992, wherein he was described as 'BELOW AVERAGE' is not disputed that the post of Assistant Electrical Foreman (Diesel)/ Section Engineer Loco in the grade of Rs. 2000-3200(RPS)/ <sup>is a selection post by the DPC</sup> 6500-10500 (RSRP) <sup>Observation made finds support from</sup> the original record produced before us during the Course

(P.G.J)

3.

of arguments.

5. The assessment made by the DPC is not normally open to ~~the~~ judicial review except where it is found arbitrary or based on irrelevant consideration. The Tribunal cannot substitute its own assessment of record of service in ~~case~~ <sup>in place of</sup> the assessment made by the DPC. The order dated 05.09.2001 whereby the applicant has been denied promotion w.e.f. 01.03.1993, in the circumstances, warrants no interference by the Tribunal.

6. Accordingly, the OA fails and is dismissed.

7. There shall be no order as to costs.

*Mark*  
Member A

*Raj*  
Vice-Chairman

/pc/