

Adverse
Remarks
(No)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. 114 OF 1992
~~Ex-Ax No.~~

DATE OF DECISION 2-3-1992

Shri Babusing P. Jatav, Petitioner

Mr. M.S. Trivedi, Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondents

Mr. R.M. Vin, Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. R.C. Bhatt, Judicial Member.

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

Shri Babusing P. Jatav,
Chief Train Clerk,
Udhna Yard, Udhana,
Western Railway,
Gujarat State.

..... Applicant.

(Advocate: Mr. M.S. Trivedi)

Versus.

1. Union of India through
The General Manager,
Western Railway,
Churchgate,
Bombay.

2. Divisional Railway Manager,
Western Railway,
Bombay Central,
Bombay.

..... Respondents.

(Advocate: Mr. R.M. Vin)

ORAL ORDER

O.A.No. 114 OF 1992

Date: 2-3-1992.

Per: Hon'ble Mr. R.C.Bhatt, Judicial Member.

Heard Mr.M.S.Trivedi, learned advocate
for the applicant and Mr. R.M. Vin, learned
advocate for the respondents.

2. This application is filed by the
applicant under section 19 of the Administrative
Tribunals Act, 1985, praying that the order of the
respondents dated 15th July, 1987, Annexure A-1,
communicating adverse remarks for the year ending
1983 to the applicant be quashed. Learned
advocate Mr. M.S. Trivedi for the applicant
submitted that the adverse remarks ending with

31st March, 1983 was communicated along with this Annexure A-1 as late as 15th July, 1987 and therefore, it is of no consequence and it should not come in the way of the applicant. However, when it was pointed out to him the order Ann. A-4 dated 8th January, 1988 by which the respondents after considering even adverse remarks in his C.R. considered applicant suitable for promotion against existing vacancies and he was considered eligible for promotion against upgraded post from 1st August, 1982 as AYM scale Rs. 455-700(R) on regular basis against upgraded post with effect from 1st August, 1982. In view of this position, in my opinion the communication of the adverse remarks ending with 31st March, 1983 has no consequence at all. However, Mr. Trivedi still feels dissatisfied because of another order Annexure A-5 dated 18th April, 1991 and he drew my attention to the last line of the order which reads as under :

"In view of the above, there is no point in representing the same issue again and again".

Mr. Trivedi submitted that the applicant's representation dated 4th April, 1988 made to respondents No.2 has not been considered till today. Mr. Vin submitted that in view of the upgradation of the applicant as per Annexure A-5 no complaint

of the applicant remains. However, Mr. Trivedi submitted that representation of the applicant should have been decided by the respondent No.2. Hence the following order is passed.

O R D E R

The Respondent No.2 to consider and reply to the applicant about his representation dated 4th April, 1988. If the applicant desires to be heard personally he should be given personal hearing. If the applicant feels aggrieved thereafter he would be entitled to approach this Tribunal according to law. The respondent No.2 to dispose of the representation of the applicant dated 4th April, 1988, Annexure A-3, within four months. For abundant caution, the applicant also should remind the respondent No.2 about order of this Tribunal to enable the respondent No.2 to dispose of the representation as early as possible. Application is disposed of with no order as to costs.

R.C.Bhatt

(R.C.Bhatt)
Member (J)