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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO. 647 OF 1998

Cuttack, this the 5th day of January 2004

Shri B.V. Ramana Applicant

Vrs.

Union of India and others Respondents

FOR INSTRUCTIONS

1. Whether it be referred to the Reporters or not? *NO*
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not? *NO*

5/1/04
(M.R.MOHANTY)
MEMBER(JUDICIAL)

5/1/04
(B.N.SOM)
VICE-CHAIRMAN

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CORAM:

HON'BLE SHRI B.N.SOM, VICE-CHAIRMAN
AND
HON'BLE SHRI M.R.MOHANTY, MEMBER(JUDICIAL)

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Shri B.V.Ramana, aged about 53 years, son of late B.S.R.Murthy, working as
D.S.T.E.(R.E), Bhubaneswar Project, Office of the C.P.M.(RE), Bhubaneswar, South
Eastern Railway, At/PO Chandrasekharpur, Dist. Khurda, Orissa.....

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Applicant

Advocates for the applicant

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M/s V.Prithviraj,

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Sreeram Jena, S.Patnaik,

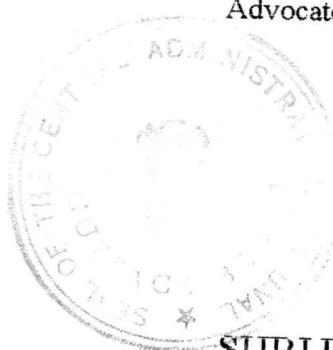
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S.Nayak

Vrs.

1. Union of India, represented through the General Manager, South Eastern Railway, Garden Reach, Calcutta 700 043.
2. The Chief Signal & Telecom Engineer, South Eastern Railway, Garden Reach, Calcutta 700 043.
3. The Railway Board, represented through its Secretary, Rail Bhawan, New Delhi.

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Respondents

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Advocates for the Respondents - M/s D.N.Mishra & S.K.Panda

ORDER

SHRI B.N.SOM, VICE-CHAIRMAN

Shri B.V.Ramana, by filing this Original Application, has ventilated his grievance with regard to delay in his promotion from Group B to Group A although his juniors have been given promotion overlooking his claim. He has prayed for a direction to be issued to the Respondents to fix his seniority above Shri D.T.Rao and below Shri V.Purushottam and to dispose of his pending representations, at Annexures 5 and 6, within a reasonable time and not to effect induction of his juniors in Group A service.

2. The case of the applicant, in short, is that he, in his position as Group B Assistant Engineer, Signal and Telecommunication, had been granted ad hoc promotion to the Senior Time Scale of Group A of Indian Railway Service of Signal Engineers (hereinafter referred to as 'IRSSE') with effect from 29.3.1990. He had all along a distinguished service career and all concerned had commended his achievements. But when the time came for regular promotion to Group A of IRSSE, the successive Departmental Promotion Committees overlooked him from the year 1992

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onwards. He had been representing to the authorities against this arbitrary and illegal actions, vide his representations dated 26.2.1997, 16.6.1998 and 27.8.1998, but in vain. He had earlier knocked at the door of this Tribunal in OA No. 635 of 1997, which ultimately became infructuous as the respondents had rejected the applicant's review appeal dated 17/29.10.1997. In the meantime, seven officers shown junior to the applicant in the gradation list of officers of SS (Group B) as on 1.1.1997 were given promotion superseding his claim.

3. The Respondents have submitted that the applicant has no case and his Application is devoid of merit. By filing a counter they have also given evidence that the applicant's representations have been considered carefully and he has been provided with speaking order, giving detailed reply as to why certain persons junior to him in the gradation list have been granted promotion, and that all actions in making promotion from Group B to Group A of the service have been taken strictly according to the provisions of the Indian Railway Service of Signal Engineers Recruitment Rules, 1962, as amended from time to time. By furnishing a copy of their letter dated 5.5.98 at Annexure R/1, the Respondents have clarified that between 1992 and 1997 as many as 5 DPCs were held. In all these DPCs the applicant's name was also considered. In the first DPC, which was held

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in 1992, a panel of six officers was prepared and all these officers empanelled were senior to him. Another DPC which was also held in July 1992 for filling up the vacancies of 1991 prepared a panel of four officers. In that panel, one of the officers, namely, Shri D.T.Rao(SC) was junior to him in Group B, but he was promoted against a reserved point. The next DPC held in September 1993 prepared a panel of three officers and all of them were senior to the applicant in the feeder grade. The next DPC was held in August 1995 which prepared a panel of 2 General Category and 2 SC officers and both the General Category candidates were senior to the applicant. Then in the DPC held in July/August 1997, a panel of 4 officers was prepared (3 General + 1 ST). All these officers were admittedly junior to the applicant in Group B cadre. But they were selected on the ground that they were given comparatively better grading for performance by the DPC.

4. From the above discussion, it is clear that in the panels prepared by the first four DPCs the applicant's name did not find place because he could not supersede his seniors by obtaining superior grading. He was, however, superseded in the DPC held in July/August 1997 because performances of his juniors were graded better than his by the said DPC, which is, under the Rules, empowered to make independent and objective

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evaluation of the ACR/performance reports of the candidates in the zone of consideration and to select the best among them. In his Original Application, as the applicant has not brought any allegation of bias or procedural irregularity on the part of the successive DPCs, we see no reason to intervene in the matter. In view of the above, this Original Application has no merit.

5. In his prayer the applicant has also sought for a direction from this Tribunal to the Respondents to dispose of his representations at Annexures 5 and 6. As the subject matter of his representations at Annexures 5 and 6 centres around the fact of his supersession, we would direct the Respondents to dispose of these two representations after their careful examination in case some new points have been brought forth by the applicant.

6. This Original Application is accordingly disposed of with the above observation and direction. No costs.

05/07/04

(M.R.MOHANTY)
MEMBER(JUDICIAL)

AN/PS

(B.N.SOM)
VICE-CHAIRMAN