

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.174/2001.

Thursday this the 14th day of November 2002.

CORAM:

HON'BLE MR.G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER
HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER

Mrs.S.K.Philipose,
W/o Mr. T.M.Philipose,
Thykoodathil House,
Eraviperoor P.O., Kerala. Applicant

(By Advocate Shri V. Philip Mathews)

vs.

1. Union of India represented by the General Manager (Pension - Revision), South Central Railway , Secunderabad, Andhra Pradesh.
2. Chief Personnel Officer, Head Quarters Office, Personnel Branch, Secunderabad, Andhra Pradesh. Respondents

(By Advocate Shri Thomas Mathew Nellimoottil)
The application having been heard on 14th November 2002, the Tribunal on the same day delivered the following:

Q B D F B

HON'BLE MR G RAMAKRISHNAN ADMINISTRATIVE MEMBER

None for the applicant. None appeared for the applicant on the previous three occasions also. It would appear that the applicant is not interested in pursuing the O.A.

2. Accordingly, this O.A. is dismissed for default and non-prosecution. No costs.

Dated the 14th November, 2002.

K. V. SACHIDANANDAN
JUDICIAL MEMBER

G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER

rv

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.174/2001.

Monday this the 2nd day of August 2004.

CORAM:

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR.H.P.DAS, ADMINISTRATIVE MEMBER

Mrs. S.K.Philipose,
W/o Mr.T.M.Philipose, Thykoodathil House,
Eraviperoor P.O., Kerala. Applicant

(By Advocate Shri M.R.Rajendran Nair)

vs.

1. Union of India represented by General Manager (Pension - Revision), South Central Railway, Secunderabad, Andhra Pradesh.
2. Chief Personnel Officer, Head Quarters Office, Persommel Branch, Secunderabad, Andhra Pradesh. Respondents

(By Advocate Mr.Thomas Mathew Nellimoottil)

The application having been heard on 2.8.2004, the Tribunal on the same day delivered the following:

ORDER

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN

The applicant who voluntarily retired from the Railway Medical Service as Matron on 31.10.98 has filed this application challenging the order dated 16.2.2000 passed by the 2nd respondent turning down her request for retrospective promotion as Chief Matron in the scale of Rs.7450-11500 on the ground that the Departmental Promotion Committee did not recommend her suitability for promotion. It is alleged in the application that, although there has been a vigilance proceedings which resulted in imposition of a penalty, that should not have stood in the way of the applicant's promotion, that the applicant had no adverse entry in her ACR for the relevant period and therefore, the case of the applicant has not received proper consideration.

2. The respondents in their reply statement seek to justify the impugned order on the ground that the applicant had been given a fair consideration on the basis of the ACR and other materials and the Departmental Promotion Committee having not recommended her suitability for promotion, the impugned order is perfectly in order in accordance with the rules.

3. We have gone through the pleadings and material on record and heard Shri Hariraj, learned counsel appearing for the applicant and Shri Thomas Mathew Nellimootttil, learned counsel appearing for the respondents. Learned counsel of the applicant argued that in the absence of communicated adverse entry in the ACR the decision not to promote the applicant is unjustified. We do not find it possible to accept this argument. The right of the employee ^{only} is to be considered for promotion in due course. The applicant was considered by the DPC which did not recommend her promotion. There is no allegation of malafides, nor is there a case that any statutory rule has been violated. Under these circumstances, the recommendation of the DPC and consequent decision by the competent authority do not call for intervention.

4. In the result, the application fails and the same is dismissed leaving the parties to bear their own costs.

Dated the 2nd August, 2004.

K. B. D.
H.P.DAS
ADMINISTRATIVE MEMBER


A.V.HARIDASAN
VICE CHAIRMAN

rv