

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.185 of 1994

Thursday, this the 15th day of December, 1994.

CORAM

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

P.K.Krishna Kumar
Chief Train Examiner,
Working as Safety Counsellor,
Divisional Office,
Palghat.

...Applicant

By Advocate Mr R Santhoshkumar

Vs.

1. Union of India through
The General Manager,
Southern Railway,
Madras-3.
2. The Chief Personnel Officer,
Southern Railway,
Madras3.
3. The Divisional Railway Manager,
Southern Railway,
Palghat.
4. The Senior Personnel Officer(M&E),
Southern Railway,
Headquarters,
Madras-3.
5. R. Balakrishnan,
Chief Train Examiner,
Southern Railway, Palghat through
The Divisional Railway Manager,
Southern Railway,
Palghat.
6. P. Kesavan Kutty,
Chief Train Examiner,
Southern Railway, Palghat through
The Divisional Railway Manager,
Southern Railway,
Palghat

By Advocate Mrs Sumathi Dandapani, for Respondents 1 to 4.

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

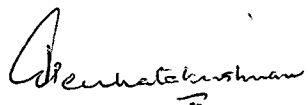
A superseded Chief Train Examiner is before us,
complaining that his appeal against an adverse

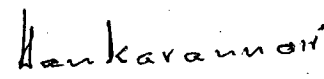
...2/-

Confidential Report A2 had not been disposed of when he was considered and superseded. Learned counsel for applicant relied on the decision in Gurdial Singh Fijji Vs State of Punjab and others (1979 SCC(L&S) 197) to contend that supersession on the basis of an uncommunicated adverse entry is bad in law. This may not help applicant because, by a subsequent decision on the appeal the adverse entry was sustained and that implies that the adverse entry stood as a material circumstance, at the time of consideration. We do not think that principles of natural justice have been violated or that the futile exercise of remitting need be made. If applicant is aggrieved by the rejection of his appeal against A2, he must seek his remedies, if any, elsewhere and he is free to do so.

2. Application is disposed of in the manner herein before mentioned. Parties will suffer their costs.

Dated the 15th day of December, 1994.


P.V.VENKATAKRISHNAN
ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

List of Annexure

Annexure A2: True copy of Communication No.CON/J/S/1(M)
dated 12.10.93 issued by the 3rd respondent.