

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

DATE: 1.3.1990

PRESENT

HON'BLE SHRI N. V. KRISHNAN, ADMINISTRATIVE MEMBER

&

HON'BLE SHRI N. DHARMADAN, JUDICIAL MEMBER

O.A. 212/89

R. Nanoo

Applicant

Vs.

1. The Divisional Railway Manager,
Southern Railway, Trivandrum
2. The Divisional Personnel Officer
Southern Railway, Trivandrum
3. Senior Divisional Engineer,
Southern Railway, Trivandrum
4. Assistant Engineer, Southern Railway,
Trivandrum
5. Inspector of Works, Southern Railway
Quilon and
6. Union of India represented by the
General Manager, Southern Railway,
Madras

Respondents

M/s. C. M. Suresh Babu &
Abraham K. John

Counsel for the
applicant

Mrs. Sumathi Dandapani

Counsel for the
respondents

JUDGMENT

HON'BLE SHRI N. V. KRISHNAN, ADMINISTRATIVE MEMBER

The applicant while working as Head Clerk in the
office of the Inspector of Works, Quilon was communicated
the remarks which has been recorded in his Annual
Confidential Records for the year ending 31st March, 1987

u

(Annexure-I) and for the year ending 31st March, 1988

(Annexure A-4) The remarks were adverse in nature and he was informed that if he intends^{ed} to prefer an appeal it should be preferred within one ~~week~~^{month}.

2. Against these two communications, the applicant filed two appeals dated 2.4.1988 and 10.1.1989 respectively (Annexures A-2 and A-5) to the Divisional Railway Manager Southern Railway, Trivandrum, the first respondent.

3. The applicant has been informed by Annexure A-3 letter dated 6.6.1988 and the Annexure A-6 letter dated 10.2.1989 that the two appeals were considered by the competent authority. While^{in regard to} the first appeal it is stated that the Accepting authority has upheld the adverse remark, ^{year's} In respect of the appeal for the latter, remarks it is stated by the Accepting authority that he found no reason to expunge the adverse remarks made in the C.R. and that the applicant has to show lot of improvement in the work.

4. When the matter came up for hearing, the learned counsel for the applicant submitted that though he had filed a detailed appeal stating several grounds, the appeal has been rejected by practically a non speaking order.

5. The learned counsel for the respondents could not rebut the allegations that the impugned orders at Annexure A-3 and A-6 are non-speaking orders. She, however, pointed out that in a similar case in TAK 402/87 dealing with

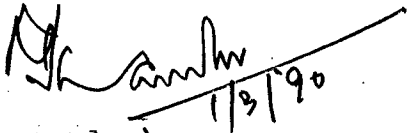
the communication of adverse remarks for the year ending 31st March, 1983, the Tribunal had observed in its order that the applicant, ^{u appeal} had been summarily rejected without discussing the various grounds raised by the applicant. In that case, the matter was remanded to the Appellate authority for passing a fresh speaking order.

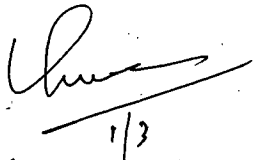
6. In the circumstances of the case, we are of the view that the interest of justice will be served if the first respondent who passed the impugned orders communicated at Annexures A-3 and A-6 is directed to consider the appeal memoranda A-2 and A-4 filed by the applicant in respect of the adverse entries in the C.R. for the years 1986-87 and 1987-88 and after considering all aspects as well as consulting such records as he find if necessary, pass a well reasoned order. We accordingly issue such a direction and further direct that the appeal ^u ~~may~~ be disposed of within a period of two months from the date of, ^{receipt of} a copy of this order.

7. The applicant apprehends that until the matters relating to the CRs are properly disposed of, the authorities may ignore his claim for promotion. In this regard, we direct that whenever any such question arises, the authorities concerned, including the first ^{respondent,} should bear in mind that until the matters relating

to his C.Rs are disposed of in the manner indicated above, the applicants case should be kept in abeyance. If he is ~~found~~ ^{found} otherwise eligible for such promotion that may be granted to him.

8. With the above observation, this Application is ~~dismissed~~ ^{disposed of} _u


(N. Dharmadan)
Judicial Member


(N. V. Krishnan)
Administrative Member

knn