

(9)
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A. NO: 781/87

199

T.A. NO: -----

DATE OF DECISION 1-4-1992

Veersingh Verma

Petitioner

Mr.S.Natarajan

Advocate for the Petitioners

Union of India and ors. Versus

Respondent

Mr.A.L.Kasturey

Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. Justice U.C.Srivastava, Vice-Chairman

The Hon'ble Mr. M.Y.Priolkar, Member(A)

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 ?

MD

U.C.SRIVASTAVA
(U.C.SRIVASTAVA)

mbm*

(10)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A.781/87

Veersingh Verma,
Railway Quarter No.141-B
Neel Ganga Rly. Colony,
Ujjain, Madhya Pradesh.

.. Applicant

vs.

1. Chief Engineer,
Western Railway,
Churchgate,
Bombay - 400 020.

2. Divisional Railway Manager,
Western Railway,
Ratlam,
Ratlam - 457 001.

3. Union of India
through
General Manager,
Western Railway,
Churchgate,
Bombay - 400 020.

.. Respondents

Coram: Hon'ble Shri Justice U.C.Srivastava
Vice-Chairman.

Hon'ble Shri M.Y.Priolkar, Member(A)

Appearances:

1. Mr.S.Natarajan
Advocate for the
Applicant.

2. Mr.A.L.Kasturey
Counsel for the
Respondents.

ORAL JUDGMENT: Date: 1-4-1992
¶Per U.C.Srivastava, Vice-Chairman¶

The applicant was originally appointed to Railway service in or about December 1964 as an Assistant Permanent Way Inspector. In 1979 he was promoted as Permanent Way Inspector Grade II. In December, 1986 he was promoted as Permanent Way Inspector Grade I on adhoc basis. In the year 1987 he was promoted as Permanent Way Inspector Grade I. The grievance of the applicant is that he should have been promoted earlier but his promotion was not given to him because of the uncalled adverse remarks given to him against which he filed a representation which was rejected by non speaking

order. As such he has prayed that he may be promoted with effect from 1.1.1984 and the confidential reports as conveyed to him vide letters dated 25-12-1983 and 29/30.12.1983 be held to be of no consequence and be ignored. Vide letter dated 28/30 Dec.1983 and 25.12.1983 the Divisional Railway Manager conveyed certain ~~alleged~~ adverse remarks passed by ~~to~~ the Assistant Engineer ~~already~~ in the confidential reports for the years 1981-82 and 1982-83. Remarks against the applicant was that he was not prompt and careful in correspondence, not prompt in maintaining creep and other registers regularly with the requisite dates and observations not prompt in submitting his return in time, sometimes he reports sick and he is not yet fit for promotion. The other report for the period ending 31-3-1983 was that his work was not satisfactory due to mental strain and he is not yet fit for promotion. The applicant represented against these remarks. Vide letter dtd. 27-6-1985 the applicant was conveyed that the accepting authority did not find any satisfactory explanation for expunging the adverse remarks. The applicant thereafter represented to the Divisional Railway Manager, Ratlam against the said remarks and vide letter dtd. 16-7-1987 the applicant was conveyed that the adverse remarks have been duly communicated the same will therefore stand and that no further action be taken. It was thereafter the applicant filed this application.

2. It has been stated by the respondents that the post of PWI is a sensitive post as the work involved is public safety and as such greater considerations have been given to such posts and little instability may cause railway accident and disaster.

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It has been pointed out that the applicant himself reported sick and in his application stated that he was suffering from mental strain though in the written statement it has been stated that there was some mental instability.

3. As far as the remarks are concerned it has been stated that of course it represents the correct factual position and applicant's representation was considered by more than one authority and no deviation from the factual position ~~of~~ ⁱⁿ the remarks were found it and that is why they have rejected. We do not find any ground to interfere with the adverse remarks which has been given. There is no prayer to quash the remarks however, it has been stated by him that the same may be ignored. Obviously when the remarks were standing in the way of the applicant he could not have been promoted for the sensitive post but the effects of the remarks were diluted as he has passed subsequently when his turn came again and he was considered fit for promotion and he was promoted. Therefore no merit subsists in this application which is dismissed with no order as to costs.


(M.Y. PRIOLKAR)
Member (A)


(U.C. SRIVASTAVA)
Vice-Chairman

MD