

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
* * * * *

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 16 AUG 1988

APPLICATION NO.

216

/ 87(F)

W.P. NO.

Applicant(s)

Shri Sushil Kumar
To

1. Shri Sushil Kumar
Permanent Way Inspector Grade II
Southern Railway
Bangalore Division
Bangalore - 560 023
2. Shri S.M. Babu
Advocate
242, V Main, Gandhinagar
Bangalore - 560 009
3. The General Manager
Southern Railway
Park Town
Madras - 600 003
4. The Chief Engineer
Southern Railway
Madras
5. The Chief Personnel Officer
Southern Railway
Madras
6. The Divisional Personnel Officer
Southern Railway
Bangalore Division
Bangalore - 560 023

Respondent(s)

V/s The General Manager, Southern Railway, Madras
& 6 Ors

7. Shri J. Rajamanoharan
Permanent Way Inspector Grade I
Southern Railway
Dharmapuri (Tamil Nadu)
8. Shri C. Vijayan
Permanent Way Inspector Grade II
Southern Railway
Nagarcoil Junction
Nagarcoil (Tamil Nadu)
9. Shri M. Nandagopal
Permanent Way Inspector Grade II
Southern Railway
Tiruvottiyur (Tamil Nadu)
10. Shri G. Nanda Kumar
Advocate
No. 6, Sirur Park Road
M.M.L.A. Building, Seshadripuram
Bangalore - 560 020
11. Shri M. Sreerangaiah
Railway Advocate
3, S.P. Building, 10th Cross
Cubbonpet Main Road
Bangalore - 560 002

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/REPLY/INTERIM ORDER
passed by this Tribunal in the above said application(s) on 11-8-88.

Encl : As above

O/C

for DEPUTY REGISTRAR
(JUDICIAL)

g/s
K. M. Raghuram
17.8.88

CENTRAL ADMINISTRATIVE TRIBUNAL:BANGALORE

DATED THIS THE 11TH DAY OF AUGUST, 1988

PRESENT:

Hon'ble Mr.Justice K.S.Puttaswamy, .. Vice-Chairman.

AND

Hon'ble Mr.P.Srinivasan, .. Member(A).

APPLICATION NUMBER 216 OF 1987

Sushil Kumar,
Major, Permanent Way Inspector
Grade-II, Southern Railway,
Bangalore Division, Bangalore. .. Applicant.

(By Sri S.M.Babu,Advocate)

v.

- 1.General Manager,
Southern Railway, Madras.
- 2.Chief Engineer,
Southern Railway, Madras.
- 3.Chief Personal Officer,
Southern Railway, Madras.
- 4.Divisional Personal Officer,
Bangalore Division,
Southern Railway, Bangalore.
- 5.J.Rajamanoharan,
PWI Gr-I, Dharmapuri,
Southern Railway.
- 6.C.Vijayan,
PWI Grade-II, Southern Railway,
Cagarcoil Junction,
Nagarcoil.
- 7.M.Nandagopal,
PWI Grade-II, Southern Railway,
Tiruvattiyur Railway station,
Tiruvattiyur. .. Respondents.

(By Sri M.Sreerangaiah, Advocate for R1 to R4)

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This application having come up for hearing this day, Member(A)
made the following:

ORDER

In this application made under Section 19 of the Administrative Tribunals Act,1985, the applicant who has been working as Permanent Way Inspector Grade-II (PWI Grade-II) on promotion from 1-10-1987 complains that he should have been promoted to that post. Justice K.S. Puttaswamy

P.S.B.

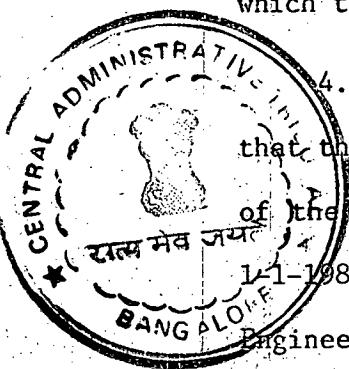
-2-

from 1-1-1984 and not 19-2-1987.

2. Sri S.M.Babu, learned counsel for the applicant submits that the applicant, by virtue of his seniority, ought to have been promoted as PWI Grade-II with effect from 1-1-1984 when some of his juniors were so promoted. The applicant had not received any adverse remarks in his confidential reports and if there were any, they were not communicated and they should not have been taken into account when determining his suitability for promotion from 1-1-1984.

3. Sri M.Sreerangaiah, learned counsel for the respondents submits that relative assessment of all candidates in the field was made for the purpose of effecting promotion to the post of PWI Grade-II with effect from 1-1-1984. The applicant was also considered in accordance with his seniority in the grade of PWI Grade-III. In the assessment which was made, it was noted that in accordance with the character rolls, the applicant had been graded as unfit for promotion in 1983 and 1984 while he was graded as fit in 1982. Since he was graded as unfit for two out of the three years, he could not be promoted to the next higher post. Since the ^{Chief Engineer, Southern Railway} ~~Departmental Promotion Committee~~ which was the competent authority had assessed the suitability of the applicant for promotion and found him unfit, this Tribunal should not interfere with the resultant order dated 2-12-1985 in which the applicant was passed over for promotion.

4. Having considered the rival contentions, we are of the view that this application is devoid of merit. We have perused the records of the promotions made to the post of PWI Grade-II with effect from 1-1-1984. We understand that those promotions were made by the Chief Engineer, Southern Railway, Madras on the basis of an assessment of the character rolls of all the candidates in the field. The gradation of the applicant is, as contended by Sri Sreerangaiah, 'fit'



P. S. I. S. I.

for the year 1982 and 'unfit' for the years 1983 and 1984. We have also gone through the character rolls of the applicant and we do not find any uncommunicated adverse remarks therein. All that was done at the time of promotion was to assess the suitability of candidates on the basis of their character rolls and the result was as indicated communicated above. In view of this, the applicant had no right for promotion with effect from 1-1-1984. He was duly promoted as PWI Grade-II with effect from 19-2-1987 since he earned better reports by that time.

5. In view of the above, the application is dismissed. Parties to bear their own costs.

Sd/-

VICE-CHAIRMAN

Sd/-

MEMBER(A)

TRUE COPY



for Hoole
DEPUTY REGISTRAR (UB)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE