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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

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O.A. No. 927/90.

Dt.of Decision : 27.6.94.

Banarasi

.. Applicant.

VS

1. Union of India, rep. by its Secretary  
Ministry of Railways, Railway Board,  
New Delhi.
2. Chairman, Railway Board,  
Ministry of Railways, Rail Bhavan,  
New Delhi.
3. General Manager, SC Rly,  
Rail Nilayam, Sec'bad.
4. D. Upendra Rao, Sr.D.M.E , Carriage  
Wagon, B.G. O/O Divisional Railway  
Manager office,  
Opp. Railnilayam, Sec'bad.
5. S.S. Rao, Dy. CME/Dsl.  
Rayanapadu workshop,  
Guntupally.
6. R. Behal, J.D. Central Organisation  
for Modernisation of workshop,  
New Delhi.
7. M. Krishna Rao, Dy. CME/Dsl., SCRly,  
Guntakal.
8. C.S. Nazeer Ahmed, Dy.CME, SC Rly,  
Lalaguda, Sec'bad. .. Respondents.

Counsel for the Applicant : Mr. B. Narasimha Sastry for Sri V. Rama Rao

Counsel for the Respondents : Mr. D. Gopal Rao, SC for Rlys.

CORAM:

THE HON'BLE SHRI A.B. GORTHI : MEMBER (ADMN.)

THE HON'BLE SHRI T. CHANDRASEKHARA REDDY : MEMBER (JUDL.)

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O.A.No : 927/90

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[ As per Hon'ble Shri A.B.Gorthi, Member (Admn.) ]

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The grievance of the applicant is on account of denial of promotion to JA Grade (Rs.3700-5000) from the date of completion of 8 years of service ~~in 1984~~ from the date when his immediate junior ( Respondent No.4) was promoted. He therefore prays for a declaration that the respondents decision to deny him promotion is arbitrary and illegal.

2. The applicant joined service on 24.1.80 as Assistant Mechanical Engineer in the Indian Railway Service of Mechanical Engineers Group 'A' Service. In due course of time he was promoted to senior scale on 28.11.84 in the scale of pay of Rs.1100-1600 (Now revised as Rs.3000-4500). He worked satisfactorily and diligently in various appointments which he held after 1984, some of the appointments infact were those which were earlier held by JA Grade officials but were down graded to senior scale appointments. Notwithstanding his satisfactory service, he was surprised to find that his juniors were being promoted, one after the other.

3. On 11.8.89 he was first superseded by the 4th respondent. He immediately represented to the authorities concerned. Subsequently respondents 5, 6, 7 and 8 were also promoted ignoring the case of the applicant. On all these occasions the applicant represented to the proper authority but received no reply whatsoever.

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3. The respondents in their reply affidavit have not disputed the essential averments made in the OA and clarified that as soon as the applicant became eligible for promotion to the JA Grade on completion of 8 years of service his case was put up for consideration before the duly <sup>1</sup> ~~newly~~ constituted departmental promotions committee. The Committee considered the case of the applicant first on 24.2.89 and subsequently on 19.1.90 and 5.12.90. On all these occasions the DPC after scrutiny of confidential dossiers of the applicant found him not suitable for promotion to JA grade.

4. Heard learned counsel for both the parties. The applicant's counsel <sup>assured</sup> ~~assailed~~ that <sup>at</sup> no stage in the career of the applicant he was informed that there was ~~anything~~ <sup>16</sup> ~~nothing adverse~~ recorded in his confidential reports. In view of these <sup>his</sup> assertion from the applicant's counsel we called for the relevant record which has been made available <sup>16</sup> for us today by the respondents' counsel.

5. A careful examination of the DPC proceedings held on <sup>all the</sup> 3 occasions would indicate that the DPC took into consideration the over all profile of the applicant as reflected <sup>in</sup> the ACRs for the previous 4/5 years which were on record. After examining the service record of the applicant the DPC came to the conclusion on each of the 3 occasions that the applicant was not fit for promotion to JA Grade.

6. We have also perused the service record of the applicant and in particular the confidential <sup>reports</sup> record for the period commencing from 1984. We find that, in the ACRs for the year 1985 and 1986 in particular

having found the applicant not suitable for promotion

constituted DPC on 3 successive occasions and the DPC

8. The case of the applicant having been duly

constituted ~~and~~ <sup>and</sup> finally

violating any statutory rule or instruction.

the DPC or that the proceedings of the DPC were held

any malafides on the part of the officials, constituted

7. There is no allegation that there were

any malafides on the part of the officials, constituted

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81. **QUESTION** DURING THE 1980 CONFERENCE FOR THE PROTECTION OF CULTURAL PROPERTY IN THE CASE OF THE SUBTERRANEAN TOMB OF THE CLEOPATRA

AND THAT THE GOVERNMENT OF THE UNITED STATES  
DOES NOT WANT TO BE INVOLVED IN THE  
PROBLEMS OF THE COUNTRY.

NOTIFICATION SHEET

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we cannot find any irregularity or illegality in the respondents decision to deny the applicant promotion to JA grade.

9. Learned counsel for the applicant stated <sup>now of</sup> that the representations made by the applicant against the adverse remarks endorsed in the CRS are still pending. If that be so and in ~~the~~ case of the respondents expunging the adverse remarks from the ACRs, it is needless for us <sup>would be placed</sup> to state that the applicant's case <sup>for consideration</sup> before a Review DPC.

10. The OA is thus without merit and the same is hereby dismissed without any order as to costs.

T. C. R. \_\_\_\_\_  
(T. CHANDRASEKHARA REDDY)  
Member (Judl.)

A. B. GORTHI  
(A. B. GORTHI)  
Member (Admin.)

Dated: 27th June, 1994

(Dictated in Open Court)

1994/6/27  
DEPUTY REGISTRAR (J)

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Copy to:-

1. The Secretary, Ministry of Railways, Railway Board, New Delhi.
2. The Chairman, Ministry of Railways, Railway Board, Rail Bhavan, New Delhi.
3. The General Manager, South Central Railway, Railnilyam, Secunderabad.
4. One copy to Mr. V. Rama Rao, Advocate, CAT, Hyderabad.
5. One copy to Mr. D. Gopal Rao, Addl. CGSC., CAT, Hyderabad.
6. One copy to Library, CAT, Hyderabad.
7. One spare copy.

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TYPED BY  
CHECKED BY

COMPARED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE JUSTICE V.NEELADRI RAO  
VICE CHAIRMAN  
AND

THE HON'BLE MR.A.B.GORTHI : MEMBER(A)  
AND

THE HON'BLE MR.T.CHANDRASEKHAR REDDY  
MEMBER (JUL.)  
AND

THE HON'BLE MR.B.RANGARAJAN : MEMBER(A)

Dated: 27.6.94

ORDER/JUDGMENT: ✓

No. /R. /C. /No.

In  
C. No. 927/90 ✓

R. No. (U.D. No. )

Admitted and Interim Directions  
Issued.

Allowed.

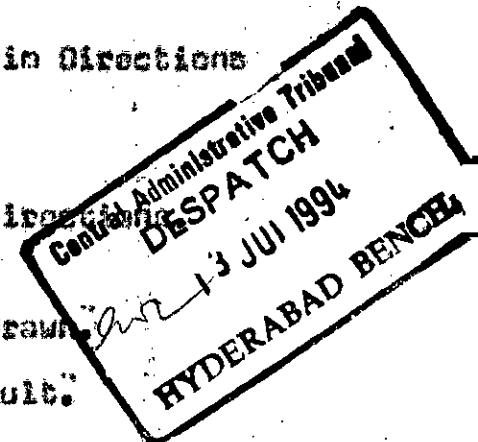
Disposed of with Direction  
Dismissed.

Dismissed as Withdrawn. ✓

Dismissed for default.

Rejected/Ordered.

No order as to costs. ✓



Re: SP/149

Vagan