

(62)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD.

O.A.No.1020/90.

Date of Judgement 28.9.1981

M. Dinamani

.. Applicant

Vs.

1. Union of India Rep. by the General Manager, S.C.Rly., Secunderabad.
2. The Secretary, Rly. Board, New Delhi.
3. A.Bhima Rao, Chief Admtve. Officer, S.C.Rly., Waltair.
4. S.H.Babu, General Manager, N.E.Rly., Malegaon, Guwahati.
5. M.P.Budhi Raja, Chief Engineer, Northern Rly., Baroda House, New Delhi.
6. N.Gopalan, Chief Admtve. Officer (Constn), Northern Rly., Kashmiri Gate, Old Delhi.
7. V.D.Chadha, Chief Engineer, Eastern Rly., Fairlie Place, Calcutta.
8. H.K.L.Jaggi, Addl. General Manager, N.E.F.Rly., Malegaon, Guwahati.
9. B.P.Agarwal, Advisor, Metropolitan Transport Project, Rly. Board, Min. of Railways, Rail Bhavan, New Delhi.
10. J.L.Kaul, Director, Vigilance, Rly. Board, New Delhi.
11. Ramesh Chandra, Chief Admtve. Officer, N.E.Rly., Gorakhpur, U.P.
12. Lalchand Monga, Chief Engineer, S.E.Rly., Garden Reach, Calcutta.
13. M.V.Rama Murthy, Chief Engineer, Southern Rly., Madras.
14. J.N.Lamba, Chief Engineer, S.C.Rly., Secunderabad.
15. K.B.Kumar, Advisor (Works), Rly. Board, New Delhi.

.. Respon

Counsel for the Applicant : Shri K.G.Kannabiran &
Shri B.Nalin Kumar
(Not present)

Counsel for the Respondents : Shri V.Rajeswara Rao for
No.1 and 2 : Shri N.V.Ramana, SC for Rlys.

CORAM:

Hon'ble Shri R.Balasubramanian : Member(A)

Hon'ble Shri C.J.Roy : Member(J)

I Judgement as per Hon'ble Shri R.Balasubramanian, Member(A))

This application has been filed by Shri Dinamani against the Union of India Rep. by the General Manager, S.C.Rly., Secunderabad & 14 others under section 19 of the Administrative Tribunals Act, 1985. The prayer herein is to direct the respondents 1 and 2 to promote the applicant to the upgraded post in the scale of Rs.7300-7600 as per his seniority in the Indian Railway Service of Engineers Cadre. He also prays for setting aside the impugned order dt. 5.4.90 bearing No.E(O)III-90AE/112 and to set aside the promotion of respondents 3 to 15.

2. The applicant who joined the Indian Railway Service Engineers (I.R.S.E. for short) ^{in 1958} was at the relevant time functioning as Chief Bridge Engineer in the S.C.Rly., in Senior Administrative Grade (Rs.5900-6700). Some posts were upgraded to the scale of Rs.7300-7600. He was considered for selection but was not selected. Instead respondents 3 to 15 who are his juniors were promoted. The applicant is aggrieved with the points system adopted by the Railways covered in their letters dt. 6.3.86 and 15.5.87. It is also his contention that the promotion should be done on the basis of his seniority so long there was nothing against him. He claims that his record is clean and that there are no adverse entries. H

represented to the Railway Board and vide Railway Board order dt. 5.4.90 his representation was rejected. Hence this O.A.

3. The respondents have filed a counter affidavit and oppose the application. It is their case that the points system was introduced after considerable thought and by the competent authority. It is ^{also} their case that the promotion from Senior Administrative Grade (Rs.5900-6700) to the scale of Rs.7300-7600 is on the basis of selection and it is not uncommon that juniors skip over their seniors because of their performance.

4. The case was actually posted for dismissal on 21.9.92 because there was no representation from the applicant's side on previous occasions. Still, when the case was called at 12.55 P.M. there was no representation from the applicant's side. Hence the Bench decided to hear only Shri V.Rajeswara Rao on behalf of the respondents and reserved the case for judgement. We find from the annexure at page 7 of the material papers to the application that by a D.O. letter dt. 26.9.89 the Railway Board have virtually ^{given up} terminated the points system and have reproduced the general principles of promotion contained in the letter of the Dept. of Personnel which is the no. Ministry for cases like this. We also find that similar cases challenging the points system have been disposed by the Principal Bench of this Tribunal vide their order dt. 30.4.92 in O.A.No.784/88 and batch. The Principal Bench observed that by their letter of September, 1987 the Railway Board had superseded the earlier communiques dt. 15.5.87 and 6.3.86. In the end, the Bench dismissed the claims in the batch cases flowing from the challenge to the points system under the two impugned orders.

23

- 4 -

With this, we will give the quietus to the challenge to the points system assailed here also by the applicant. As regards the selection, the applicant contends that he should be promoted in accordance with his seniority. From the letter of September, 1989 of the Railway Board we find that while seniority may enable him to come within the zone of consideration (in fact he was considered) his final selection would depend upon the grading he gets ~~in~~ by the D.P.C. It is contended by the respondents that the juniors who were promoted had a better grading than the applicant and were promoted. Under these circumstances we do not find any scope to interfere in this case and we accordingly dismiss the application with no order as to costs.

R.Balasubramanian

(R.Balasubramanian)
Member (A).

C.J.Roy
(C.J.Roy)
Member (J)

Dated: 28th September, 1992.

Dy. Registrar (Jadl.)

R
Copy to:-

1. General Manager, S.C.Railway, Union of India, Secundarbad.
2. The Secretary, Railway Board, New Delhi.
3. One copy to Sri. K.G.Kannabiran, advocate, 10-3-29/ plot No.128, East Marredpalli, opp. Domestic Science college, sec-bad.
4. One copy to Sri. N.V.Ramana, SC for Railways, CAT,
5. One spare copy.

Rsm/-

P.M.J.
8/10/92

OA

OA/1020790

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD

THE HON'BLE MR

AND

THE HON'BLE MR. R. BALASUBRAMANIAN: M(A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY:
M(JUDL)

AND

THE HON'BLE MR. C. J. ROY : MEMBER(JUDL)

Dated: 28/10/1992

ORDER/JUDGMENT:

R.A./G.A./M.A.No

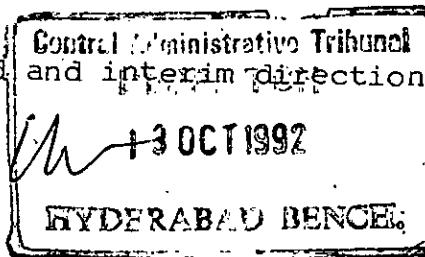
in

O.A. No. 1020790

T.A. No.

(wp. No.)

Admitted and interim directions
issued.



Allowed

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for default

M.A. Ordered/Rejected

No orders as to costs.

pvm

Not
Searched