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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH : AT HYDERABAD.

\*\*\*

O.A. 124/91

Dt. of Decision : 15.4.1994.

T.R. Kalyanasundaram

.. Applicant

Vs

1. Union of India rep. by its  
General Manager,  
South Central Railway,  
Secunderabad.

2. Chief Personnel Officer,  
South Central Railway,  
Secunderabad.

.. Respondents.

Counsel for the Applicant : Mr. V. Krishna Rao

Counsel for the Respondents : Mr. N.V. Ramana, Addl. CGSC.

CORAM:

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

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

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OA 124/91.

Dt. of Order: 15-4-1994.

(Order of the Divn. Bench passed by Hon'ble  
Shri A.B.Gorthi, Member (A) ).

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The applicant was working as Asst. Personnel Officer when he became due in 1990 for promotion to Sr. Scale. The Respondents declared seven officials, <sup>all</sup> of juniors to the applicant, as empanelled for grant of Sr. Scale on adhoc basis vide impugned memo dt. 24-9-90. Aggrieved by the same he has filed this Original Application with a prayer to direct the respondents to include his name on the top of the panel contained in the impugned memo.

2. Admittedly there <sup>were</sup> ~~was~~ some adverse remarks endorsed in the Confidential <sup>Reports</sup> ~~Records~~ of the applicant for the years ending 31-3-1988 <sup>and</sup> ~~to~~ 31-3-1989, as can be seen by Annexure 2 and 3 attached to the Original Application. When the applicant came to know that he was not found suitable for grant of Sr. Scale, he immediately submitted a representation to the General Manager, SC Rlys and in that he explained that he could not make any representation against the adverse remarks for the year ending 1988-89 because he received the letter communicating the adverse remarks just before he was to leave for two months training to Tiruchirapalli and on returning he was busy in conducting some DAR inquiries. His repre-

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sentation was considered by the General Manager ~~that~~ <sup>and</sup> was rejected stating that the case of the applicant for adhoc promotion to Sr.Scale was considered during May, 1990, <sup>and</sup> that the applicant was not found fit for empanelment.

3. Heard Sri V.Krishna Rao, learned counsel for the applicant and Sri N.V.Ramana, learned standing counsel for Railways. Sri Krishna Rao, learned counsel for the applicant <sup>has</sup> drawn our attention to D.O.Lr.No.65/289-B/Secy/Admn. of 7-5-1965, which is to the effect that for considering a Class-II Officer for suitability for officiating promotion to the Senior Scale, the employee should have atleast two reports graded 'good' and one 'average'. The contention of the applicant, <sup>the counsel is</sup> that the record of the service of the applicant would have met the requirements as stipulated in the memo dt.7-5-65 and hence the applicant should have been empanelled for Senior Scale.

4. The procedure for promotion of Group-B Officers to Senior Scale on adhoc basis under-went a change as can be seen <sup>from letter</sup> ~~in~~ No.E(GP) 85/1/6 dt.1-3-90 addressed to all General Manager. ~~The said~~ According to the <sup>Group-B</sup> said policy for assessing the suitability of/officers for adhoc promotion to Sr.Scale, Confidential Reports for the preceeding 5 years should be taken into consideration. The Departmental Promotion Committee

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should after considering the Confidential Reports for the previous five years grade the officers as fit or unfit for adhoc promotion on the basis for over all assessment of the reports and not merely on the basis of grading/fitness assigned therein. The policy letter further stated that the Bench Mark for fitness should not be less than 'good'. The said policy letter became effective in 1990. The D.P.C. in the instant case<sup>was</sup> held on 30-5-1990.

5. Shri N.V.Ramana, learned standing counsel for the Respondents<sup>by</sup> ~~as~~ produced before us the proceedings of the selection committee that ~~met~~ met on 30-5-1990 for considering the case of the applicant for grant of Sr. Scale on an adhoc basis. A careful examination of the proceedings would indicate that the selection committee took into<sup>consideration</sup> all the ~~facts in the~~<sup>relevant</sup> CRs. ~~for the period~~ 1985-86 and again 1988-89. ~~The applicant was not found fit for promotion and~~ The grading of the applicant ~~in~~<sup>for</sup> the year 1988-89 was only average. The Committee after scrutinising all the Annual Confidential Records of the relevant period formed the opinion that the applicant is<sup>is</sup> not yet ~~found~~ fit. Accordingly the applicant's case was not recommended for ~~the~~ empanelment for Sr. Scale and the said recommendation was approved by the General Manager.

6. On behalf of the Respondent, it is submitted that the case of the applicant <sup>was</sup> again considered by the DPC that met on 3-5-91 and the applicant <sup>was</sup> found suitable and promoted to Sr. Scale on adhoc basis. From the aforesaid it is clear that the case of the applicant received due and fair consideration and nothing has been brought to our notice as <sup>to</sup> ~~to~~ <sup>show</sup> ~~show~~ irregularities in the process of selection held on 30-5-90. We therefore <sup>find</sup> ~~found~~ that this application is without any merit and the same is hereby dismissed. No costs.

(T. CHANDRASEKHAR REDDY)  
Member (J)

(A. B. GORTHI)  
Member (A)

Dt. 15th April, 1994.  
Dictated in Open Court.

*Arulige*  
Deputy Registrar

avl/  
Copy to:-

1. General Manager, South Central Railway, Union of India, Secunderabad.
2. Chief Personnel Officer, South Central Railway, Secunderabad.
3. One copy to Sri. V. Krishna Rao, advocate, CAT, Hyd.
4. One copy to Sri. N. V. Ramana, Addl. CGSC, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

Rsm/-

THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

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

AND

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

AND

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

AND

THE HON'BLE MR. R. RANGARAJAN : M (ADMN)

Dated: 15/4/1994

ORDER/JUDGMENT

~~M.A./R.A./C.A./No.~~

O.A.No.

in

124/91

T.A.No.

(w.p.)

Admitted and Interim Directions  
Issued.

Allowed

Disposed of with directions

~~Dismissed.~~

Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

~~No order as to costs.~~

