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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. 833/94.

Dt. of Decision : 8.7.94.

Sri J.N.K.Murthy.

.. Applicant.

Vs

1. Union of India rep. by the Secretary (Establishment), Railway Board, Rail Bhavan, New Delhi.
2. The General Manager, SC Rly, Rail Nilayam, Secunderabad.
3. The Chief Personnel Officer, SC Rly, Rail Nilayam, Secunderabad.
4. The Chief Mechanical Engineer, SC Rly, Rail Nilayam, Secunderabad.

.. Respondents.

Counsel for the Applicant : Mr. V. Venkateswara Rao

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

CORAM:

THE HON'BLE SHRI A.V. HARIDASAN : MEMBER (JUDL.)

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

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OA 833/94.

Dt. of Order: 8-7-94.

(Order of the Divn. Bench passed by Hon'ble
Sri A.V.Haridasan, Member (J)).

* * *

The applicant has filed this application under section 19 of the A.T.Act, 1985, praying that the panel of three Group-B officers for adhoc promotion to Senior Scale of Group-A may be set aside.

2. It has been alleged in the application that the DPC has not correctly followed the principles laid down in the guidelines contained in Railway Board letter dt.1-3-90. According to the applicant there is no proper overall relative assessment of the merits of the applicant vis-a-vis those whose names were included in the panel with reference to the guidelines contained in the above referred Railway Board letter. The committee, according to him has given undue benefit to them and on these counts the applicant seeks quashing of the panel.

3. The applicant has sought the relief without impleading those who may be adversely effected in case this O.A. is allowed. It is against the principles of natural justice to pass an order adverse to a person without hearing him. Therefore on this count alone the application is liable to be dismissed.

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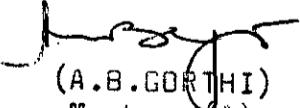
1. The Secretary, (Establishment), Union of India, Railway Board, Rail Bhavan, New Delhi.
2. The General Manager, South Central Railway, Railnilayam, Secunderabad.
3. The Chief Personnel Officers, South Central Railway, Railnilayam, Secunderabad.
4. The Chief Mechanical Engineer, South Central Railway, Railnilayam, Secunderabad.
5. One copy to Mr. V.Venkateswar Rao, Advocate, CAT, Hyderabad.
6. One copy to Mr.D.Gopal Rao, SC for Railways, CAT, Hyderabad.
7. One copy to Library, CAT, Hyderabad.
8. One spare copy.

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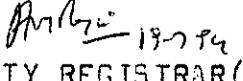
4. However as the applicant is a retired employee, in order to satisfy ourselves as to whether any prejudice was done to him while considering his name along with others, we have gone through the proceedings of the D.P.C. which have been made available for our perusal by the learned standing counsel for the Respondents. Going through the minutes, we find that the statements of the applicant in this application that his merits has not been assessed properly according to the principles contained in the Railway Board letter dt.1-3-90 is not correct and that in brief the fact that the applicant was stated to be unfit for promotion in the A.C.R. for the year 1990 the committee could not give him the bench mark, and thus on account of this the applicant's name was not included in the panel. Thus we are convinced that it is not a case where the committee did not follow the instructions and guidelines in an impartial manner. Therefore we are convinced that there is no merit in this application. In the light of the facts as stated above, the application is found to be devoid of merit and the same is dismissed without any order as to costs.


(A.B.GORTHI)
Member (A)


(A.V.HARIDASAN)
Member (J)

Dt. 8th July, 1994.
Dictated in Open Court.

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July 1994
DEPUTY REGISTRAR (J)

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TEMPED BY

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR. JUSTICE V. NEELADRI RAO

VICE CHAIRMAN

THE HON'BLE MR. A. V. HARI DASAN : M(5) ✓

AND

THE HON'BLE MR. T. CHANDRASEKHA R REDDY
MEMBER (UDL)

AND

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

Dated: 8 - 7 - 1994. ✓

ORDER/JUDGMENT:

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

in
O.A.No. 833 / 94 ✓

T.A.No. (W.P.)

Admitted and Interim Directions
Issued.

Allowed

Disposed of with directions

Dismissed.

Dismissed as withdrawn

Dismissed for default. (C)

Rejected, Ordered.

No order as to costs.

pvm

