

(A7)

IN THE CENTRAL ADMINISTRATIVE KIBUNAL: HYDERABAD BENCH  
AT HYDERABAD

O.A.No.1017/92.

Date of Order: 26.10.93

T.V.G.Prasada Rao

.. Applicant

Vs.

1. The General Manager,  
South Central Railway,  
Rail Nilayam,  
Secunderabad.
2. The Chief Personnel Officer,  
South Central Railway,  
Rail Nilayam,  
Secunderabad.
3. The Chief Project Manager,  
Railway Electrification Project,  
South Central Railway,  
Vijayawada.
4. The Senior Electrical Engineer (General & SS),  
Railway Electrification Project,  
South Central Railway,  
Vijayawada.

5. Sri D.V.S.Raju,  
Senior Electrical Engineer/G & SS,  
Railway Electrification Project,  
S.C.Railway,  
Vijayawada.

.. Respondents

Counsel for the Applicant : Mr.P.Krishna Reddy.

Counsel for the Respondents : Mr.N.R.Devraj, SC for Rly.

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CORAM:

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

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

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O.A.No.1017/92.

Date: 26.10.1993.

Judgment

As per Hon'ble Sri R.Rangarajan, Member(Administrative) X

The applicant, an Electrical Foreman, appeared for the selection of Assistant Electrical Engineer in the South Central Railway in the year 1992 and could not come up successful in the Viva-voce test as he could not obtain the minimum marks in the record of service for the years 1988 to 1992. The prayer in this O.A. is for a direction to the respondents to consider the name of the applicant also for inclusion in the panel of Assistant Electrical Engineer published in Order No.P(GAZ)607/LDCE/(7) dated 14.7.1992 and include his name without taking into consideration the marks given to the applicant for the Confidential Reports, and to pass such other order or orders as the Tribunal may deem fit and proper in the circumstances of the case.

2. At the time of hearing, the learned counsel for the applicant submitted that he has failed in viva-voce especially in the Record of Service, the assessment years being 1988-1992, as he did not have a congenial relations with R-5 while working under him in Railway Electrification Project, Vijayawada. The learned counsel for the applicant has also submitted that R-5 was his immediate superior for all the five (5) years from 1988 to 1992. As there was misunderstanding between them, <sup>DR-5</sup> he purposely did not give proper gradation to the applicant and thereby he failed in the Record of Service <sup>1 Recd & Rmt</sup> computed on the basis of viva-voce

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3. It is further submitted by the learned counsel for the applicant that though R-5 was senior to the applicant now, in the cadre ~~of~~ for consideration for promotion to the post of Assistant Electrical Foreman in the year 1979 the applicant was given 3rd ranking while R-5 was given 5th rank. But, later on, R-5 was considered for promotion to the Assistant Electrical Engineer in the year 1980-81 as he was having requisite eligibility of service as Supervisor while the applicant was not then considered for promotion to the post of Asst. Electrical Engineer as he was not having requisite number of years of service as Supervisor. It is stated for the applicant that in view of the above facts R-5 had animosity against the applicant.

4. The learned counsel for the respondents submitted that record of service is written each year and that the assessment for different years is done on the basis of work done by the applicant during that year and it has no relevance to any of the malafides quoted. As a matter of fact, the applicant did not fare well only in three years as revealed from the extract of the Record of Service produced before us. On the basis of this gradation, he had obtained only 13 marks out of 25, whereas the minimum is 15 marks for qualifying in the Record of Service for empanelment to the post of Assistant Electrical Engineer. He further added that the applicant has not substantiated his case that he has been differently treated from others due to malafide intention.

5. We have heard the learned counsel for the applicant Sri P.Krishna Reddy and Sri N.R.Devaraj, learned counsel for respondents.

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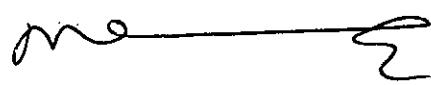
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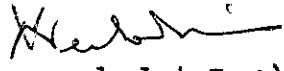
1. The General Manager, South Central Railway, RailNilayam, Secunderabad.
2. The Chief Personnel Officer, South Central Railway, Rail Nilayam, Secunderabad.
3. The Chief Project Manager, Railway Electrification Project, South Central Railway, Vijayawada.
4. The Senior Electrical Engineer(General & SS), Railway Electrification Project, South Central Railway, Vijayawada
5. Senior Electrical Engineer, G&SS, Railway Electrification Project, S.C.Railway, Vijayawada.
6. One copy to Sri. P.Krishna Reddy, advocate, CAT Hyd.
7. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
8. One copy to Library, CAT, Hyd.
9. One spare copy.

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Rsm/-  
JCB*

6. Under the circumstances brought out by the learned counsel for the applicant, we feel that the contention in regard to bias cannot be considered altogether baseless. So, it is just and proper to have a re-review of the Confidential Report already initiated by R-5 for the years 1988-92 to be reviewed by a Reviewing Officer in the rank of Deputy Chief Electrical Engineer who was working during that period in the Railway Electrification Project. The entries in the Service Record of the applicant will also be taken into account while doing re-review. Thereafter the reviewed C.Rs. will be sent to the Chief Project Manager of the Railway Electrification Project for his acceptance. On the basis of re-reviewed and accepted CRS, the marks to be awarded to the applicant for record of service for the years 1988-92 will be computed and if the applicant gets minimum of 15 marks for the period of service, then his case has to be re-considered for empanelment to the post of Assistant Electrical Engineer in accordance with law. The above re-review has to be done only if the Confidential Reports for all the years from 1988-92 was initiated by R-5. The above said re-review has to be completed within a period of three months from the date of receipt of the copy of this judgment.

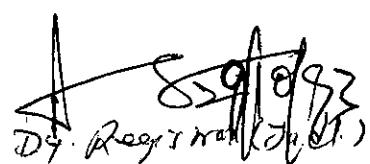
7. The O.A. is ordered accordingly. No costs.

  
(R. Rangarajan)  
Member (Admn.)

  
(V. Neeladri Rao)  
Vice-Chairman

Dated 26th October, 1993.  
Dictated in the open court.

sk/grh.

  
D. Raghunath (D.R.)

  
V. Neeladri Rao

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