

List of Papers in Original Application No.

124182

Sl.No. Of Papers.	Date of Papers Or Date of Filing.	Description of Papers.
		Part <u>3</u> <u>I</u>
	22-3-85	original Judgement
	14-2-92	O.A. & Material Papers.
	30-10-82	Counter Reply Counter

PART

I, PART

-- II,

PART

-- III

Destroyed.

A
23/3/99.

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
RECORD SECTION INDEX SHEET

O.A NO. 124 /1992

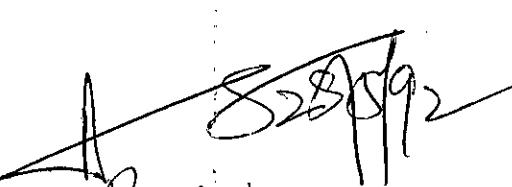
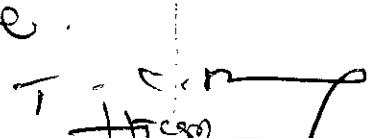
a) Applicant (s) V. Nagabushanam
versus

b) Respondent (s) Tirupati M. S. Bally, Calcutta &c.
30/10/95

S. l. No.	Part. I	Description of documents.	Page No.
6	Order sheet		182
	Original Application		3 to 7
	Material papers		10 to 16
	Order dated		
	Counter Affidavit		17 to 21
	Reply Affidavit		
	Order dated.	<u>22-3-95</u> <u>12-6-95</u>	<u>22 to 26</u> <u>27 to 30</u>
	PART. II		
	Duplicate order sheet.		
	" Application		
	" Material papers		<u>20</u>
	" Order date		
	" Counter Affidavit		
	" Reply Affidavit		
	" Order date		
PART	III	Vakalat <u>✓</u>	
		Notice Papers <u>✓</u>	
		Memo of Appearance <u>✓</u>	

11/7/95

OA. 124 | 92

Date	Office Note	Orders
28-5-92	<u>Service</u> R.R. 1284 Served R-3 transformed hence returned. <u>Before the Registrar</u> for 8 days Postal Verification in 8/6/92.	Counsel for the applicant shall take notice on R-3 for Service, and submit Proof of Service. Call at 266-92
26-6-92	<u>Before the Registrar</u> for Directions	Even after granting 6 weeks time for filing Counter, the Counter is not filed. Hence Post the in usual course.
1.11.92	Memos of 8/10/92 Counter filed by Mr. M.R. Devaraj, Sector Blys on 30/10/92	 S/266-92 Registrar
9/11/92		M/11/88/92 in O/124/92.
27/10/92		 T. C. P Tiffen Date Post on 11/10/92. Hans (20) Hans Dno.

(P.T.O.)

O.A. 124/92 (1)

Date	Office Note	Orders
22-3-95		<p>LINK it for dismissal on Friday the 24.3.95.</p> <p>HRR M(A)</p> <p>Spender</p> <p>De Groot</p> <p>order on separate sheets. Call the O.A. on 26-4-95.</p> <p>office had to dispatch copy of this order by 27-3-95.</p> <p>HRRN M(S)</p> <p>Jurisdiction</p> <p>HRRN M(S)</p> <p>Judgement is delivered. The OA is dismissed. No costs. orders vide separate sheets.</p> <p>HRR M(A)</p>
22-3-95	8/6/95	
12-6-95		

1
12/3/95

Central Administrative Tribunal

HYDERABAD BENCH

O.A. No./E.A. No.

OA 124/92

1992

W. Nagashishanam.....Applicant (s).

G. M. S. E. C. Versus

Calcutta 8. 2nd.....Respondent (s)

Date	Office Note	Orders
17.2.92		<p>Mr. P.B. Vijay Kumar, Advocate for the applicant is present. Issue notice to the respondents for admission hearing and list the OA on 10.3.92</p> <p>T. C. Naray. (HCSR) M(J)</p>
10-3-92		<p>on a request by Sri Phani Ray Advocate, on behalf of Sri P. B. Vijay Kumar, Counsel for the applicant, list the case for admission hearing on 17-3-92. Sri N. R. Devraj, counsel for the respondents present.</p> <p>T. C. N. T. (TCR) M(J)</p>
17 3/92		<p><u>17-3-92</u></p> <p>ADMIT. Issue notice to the Respondents. The Respondents are directed to file counter within six weeks with a copy to the Advocate for the Applicant.</p> <p>contd....2</p>

(P.T.O.)

26/4 2015

OA 124/92

(2)

(2)

Date	Office Note	Orders
		<p>The applicant would be at liberty to file rejoinder if any within two weeks thereafter. Keep this O.A. for directions before the Registrar after the pleadings are complete.</p> <p>(N) HRBS H(A)</p> <p>T. C. S. R. M(J)</p>
28.5.92	<u>Before the Registrar</u> for	<p>Even after granting 6 weeks time for filing counter, the counter is not filed. Hence post the case in usual course.</p> <p>Registrar</p>

28/5/92

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD

ORIGINAL APPLICATION NO. 124 OF 1992

Shri V. Naga Bhushanam

Applicant(s)

G. M. S. E. N. Y. Calcutta Versus

1364

Respondent(s)

This Application has been submitted to the Tribunal by

Mr. P. B. Vijay Kumar,

Advocate

under Section 19 of the Administrative Tribunal Act. 1985 and
same has been scrutinised with reference to the points mentioned
in check list in the light of the provisions contained in the
Administrative Tribunal (Procedure) Rules, 1987.

The Application has been in order and may be listed
for admission on - 292.


Scrutiny Officer.

Deputy Registrar (J)

Particulars to be examined	Endorsement as to result of examination
8. Has the index of documents been filed and has the paging been done properly ?	Y
9. Have the chronological details of representations made and the outcome of such representation been indicated in the application ?	Y
10. Is the matter raised in the application pending before any court of law or any other Bench of the Tribunal ?	Y
11. Are the application/duplicate copy/spare copies signed ?	Y
12. Are extra copies of the application with annexures filed.	
(a) Identical with the original	Y
(b) Defective	
(c) Wanting in Annexures	-
No...../Page Nos.....?	
d Distinctly Typed ?	
13. Have full size envelopes bearing full address of the Respondents been filed ?	Y
14. Are the given addresses, the registered addresses ?	Y
15. Do the names of the parties started in the copies, tally with those indicated in the application ?	Y
16. Are the translations certified to be true or supported by an affidavit affirming that they are true ?	C/T
17. Are the facts for the case mentioned under item No. 6 of the application.	f/t
(a) Concise ?	Y
(b) Under Distinct heads ?	-
(c) Numbered consecutively ?	-
(d) Typed in double space on one side of the paper ?	Y
18. Have the particulars for interim order prayed for, stated with reasons ?	N/C

my signature
S. K. S.

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

APPLICANT (S) *V. N. Negublurman*

RESPONDENT (S) *G. M. S. Goh, Collector & 3 G.*

Particulars to be examined

Endorsement as to result
of examination

1. Is the application Competent ? *y*
2. (a) Is the application in the prescribed form ? *y*
(b) Is the application in paper book form ? *y*
(c) Have prescribed number complete sets of the application been filed ? *y*
3. Is the application in time ? *y*
If not by how many days is it beyond time ?
His sufficient cause for not making the application in time, stated ?
4. Has the document of authorisation / Vakalat name been filed ? *y*
5. Is the application accompanied by B.D./I.P.O. for Rs. 50/-? Number of B.D. / I.P.O. to be recorded. *y*
6. Has the copy/copies of the order (s) against which the application is made, been filed ? *y*
7. (a) Have the copies of the documents relied upon by the applicant and mentioned in the application been filed ? *y*
(b) Have the documents referred to in (a) above duly attested and numbered accordingly ? *y*
(c) Are the documents referred to in (a) above neatly typed in double space ? *y*

CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH.

INDEX SHEET.

O.A. No.

724/ 1992

CAUSE TITLE V. Nagabhusanam

VERSUS

G. M. Seely, Calcutta & 30th

Sl. No.	Description of Documents.	Page No
1.	Original Application	1 to 5
2.	Memorial Papers.	6 to 52
3.	Vakalat	
4.	Objection Sheet	
5.	Supplementary Copies	
6.	Covers.	

No. 2 direction to the Nos. 01 & 2 to consider ten cases for promotion to the Post of Asst. Mech. Engineer, by Gramalighe Subdivision dt 23-10-90.

4 BENCH CASE

Brace

(3)

RAILWAY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH AT
HYDERABAD.

O.A.NO. 124 OF 1992

CHRONOLOGY OF EVENTS.



S.No.	Date	Description.	Page Nos.
1.	23.10.90	Proceedings of the respondents herein .N.O.DCPO(C)/CON/SEB/8/90..	1 ..
2.	12.12.90	Appeal dt.12.12.90	.. 2 ..
3.	7.1.64	Applicant joined in Railway Organisation.	.. 2 ..
3.	10.1.1969	Applicant promoted as Asst. Electrical Foreman.	.. 2..
4.	19.6.1970	Applicant again promoted as Senior Foreman(Electrical)	.. 2..
5.	9.7.90	Department called 24 persons by proceedings dt. 9.7.90.	... 2 ..
6.	3.8.1990	Applicant appear for the said written test .	.. 2..
7.	19.9.90	Proceedings.	.. 3..
8.	9.10.1990	Interview.	.. 3..

HYDERABAD.

DT. 13.2.1992.

COUNSEL FOR THE APPLICANT.

Bomma

Copy
Received by 14.2.92
R. P. Devaney
C. R. S. R. P. Devaney

FORM I

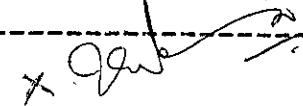
APPLICATION UNDER SEC. 19 OF THE ADMINISTRATIVE TRIBUNAL ACT:1985

TITLE OF THE CASE:- O.A.NO. 324 OF 1992

I N D E X

S.No.	Date	Description	Annexure.	Page Nos.
1.		Original Application. ..		1 to 5
2.	23.10.1990	Proceedings No.DCPO(B)/ CON/SEP/8/90 by the S.E.Railway. I.		6 to 7
3.	29.11.1990	Order in O.A.973/90 on the file of CAT, Hyderabad. ..II.		8 to 9
4.	12.12.1990	Statutory appeal from the applicant to the G.M., S.E.Railway, Calcutta. ..III.		10 to 12

DATE OF FILING:


SIGNATURE OF THE APPLICANT.

DATE OF REGISTRATION:


Bomma

REGISTRATION NO.

COUNSEL FOR THE APPLICANT.

FOR USE IN THE TRIBUNAL OFFICE:

REGISTRAR.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH AT
HYDERABAD.

O.A.NO. 124 OF 1992

Between:

V.Nagabhushanam, son of late Jagannadham,
Hindu, 53 years, Senior Foreman, (Electrical),
Senior D.M.E. Office, S.E. Railway, Waltair. .. APPLICANT.

The address of the applicant for the purpose of all
notices i.e., is as stated above and care of his counsel M/s. P.B.
VIJAYA KUMAR & B.M.PATRO, Advocates, 1-8-7/13, Chikkadapally, Hyd-20.

A N D .

1. General Manager,
S.E.Railway, Calcutta-43.

2. The Chief Personnel Officer,
South Eastern Railway, Garden Reach, Calcutta.

3. E.K. George, Interim Inspector,
C.M.E. Office, S.E.Railway,
Garden Reach, Calcutta-43.

4. V.R. Mandiya,
Officiating A.M.E., S.E.Railway, Kharagpur., .. RESPONDENTS.

The address of the respondents for the purpose of service
of summons and notices are as stated above.

1. DETAILS OF THE APPLICATION:-

Particulars of the order against which the application is made:-

This O.A. is filed assailing the non-inclusion of the
applicant's name in the provisional panel for promotion to the
post of A.M.E. (Assistant Mechanical Engineer) (Loco/Group 'B'
in the proceedings No. DCPO(C)/CON/SBP/8/90 dt. 23.10.1990 of
the respondents herein.

2. JURISDICTION OF THE TRIBUNAL:-

The applicant declares that the subject matter of
the order against which he wants redressal is within the jurisdiction
of this Tribunal under Sec. 15 of the Administrative Tribunals
Act, 1985 as he is working at Visakhapatnam under the
respondents herein.

* 
APPLICANT.

3. LIMITATION:-

The applicant further declares that this application is within the period of Limitation as prescribed under Section 21 of the Administrative Tribunals Act, 1985 in view of his appeal dt. 12.12.1990 to the first respondent against his non-inclusion, which remain undisposed.

4. FACTS OF THE CASE:-

a) The applicant herein joined the Railway Organisation as Grade.I Chargeman on 7.1.1964. Later he was promoted as Assistant Electrical Foreman on 10.1.1969. Later the applicant was further promoted as Senior Foreman (Electrical on 19.6.1970. Next promotion lies to the post of Assistant Mechanical Engineer(Loco) (Group B) in the scale of Rs. 2,000/- - 3,500/-. In fact the applicant at present in the scale of Rs. 2,375 - 3,500/- at the basic of Rs. 3,400/-. The posts of Group B are allocated as 75% by promotion and 25% by limited departmental competitive examination. The applicant became eligible for the promotion in 1972 itself. Though he qualified for the written exam in the year 1974 and though he was with in the zone of consideration, his claim to the promotion was denied on the ground that he was with in the zone of consideration, his claim to the promotion was denied on the ground that he was the junior most at that time. Later in all D.P.Cs his case for promotion was ignored basing on extreaneous circumstances.

b) During, 1990 the department intended to fillup 8 vacancies. OC 6: 2 SC. In order to fillup the said 8 vacancies, the Department called 24 persons by proceedings No.CPO/GOZ/GR's L.No.DCPO/(G)/CON/SBP/8/90, dt. 9.7.1990 in the rate of 1:3. The applicant also appeared for the said written test on 3.8.1990 and he was qualified therein along with other 3 candidates out of 24.

X *QJ*

APPLICANT.

(1)

c) By proceedings Lr.No.DCPO(G)/CON/SBD/8/90 dt. 19.9.1990 4 persons including the applicant were declared passed in the written test and they were asked to appear for interview on 9.10.1990. It is submitted that for the purpose of assessment of the marks in Vivo-Voice, 3 years A.C.R.S. have been called by the Head Quarters, of all the 4 candidates as the eligibility criteria is 3 years service in the lower grade.

d) The interview committee unfortunately over looked the case of the applicant for promotion and placed the respondents 3 and 4 in the provisional pannel of A.M.E. (Loco). The applicant submits that the selection by the D.P.C. is vitiated as they have taken extreaneous circumstances into consideration.

✓ In fact one of the selected respondent have no A.C.R.S. for the requisite years. The applicant apprehends that his A.C.R.S. have not been properly considered in comparision with that of the respondents 3,4. He is very much Senior to them with ~~as they have no adverse A.C.R.S for the relevant period.~~ His overall service is also good. The Committee has not properly considered the case of the applicant in a properperspective.

e) Though this Tribunal cannot sit in Judgement over the assessment by the D.P.C. still it is open to the Tribunal to verify and satisfy as to whether any extreaneous considerations have been taken ~~into~~ account by D.P.C. and as to whether the D.P.C. has taken the relevant circumstances and records in to consideration.

f) The applicant also appeared for the posts required to be filled viz., 25% by limited departmental examination. Even there also much injustice has been caused.

% *Applicant*

(8)

** 4 **

g) The applicant submits that having entertained 24 candidates for 8 posts, and having declared 4 persons qualified for interview, declaring only 2 in the provisional panel, that too juniers while ignoring the just claims of seniors is arbitrary and illegal. The applicant has completed 27 years of service in Railway.

5. Legal grounds for the relief:-

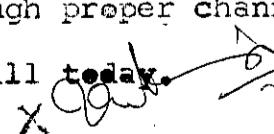
a) Non inclusion of the name of the applicant in the provisional list dt. 23.10.1990 is arbitrary, illegal and violative of Article 14 and 16 of the Constitution of India.

b) Extraneous matters have been taken into consideration by the D.P.C. and the relevant A.C.Rs have not been given their due weight for it. The D.P.C. should have considered his long length of service which is unblemished. The D.P.C. the applicant apprehends has not properly awarded marks for the records of service etc., and also failed in comparatively assessing the merit with that of respondents 3 and 4, particularly ~~and~~ 3rd respondent.

c) The applicant submits that the rules regarding the selection viz., awarding of marks for A.C.Rs and service records have been honoured more in breach than compliance.

6. DETAILS OF THE REMEDIES EXHAUSTED:-

The applicant herein submit that previously he filed O.A.No.973/90 before this Hon'ble Tribunal assailing the the above selection. The said application was dismissed on 29.11.90 observing that it is open to the applicant to file an appeal under Rule 23 of C.C.S. (C.C.A.) Rules. Accordingly the applicant made an appeal to the first respondent through proper channel on 12.12.90. The said appeal remain undisposed till today.

X 
APPLICANT ...

7. MATTERS NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT:-

The applicant further declares that he has not filed any application previously either in this Tribunal except the one stated supra, after submission of the statutory appeal or in any other Tribunal and the said proceedings are pending before any of them.

8. RELIEF SOUGHT:-

In view of the facts mentioned para 4 above the applicant prays for the following reliefs:-

To direct the respondents 1 and 2 to consider the case of the applicant for promotion to the post of Assistant Mechanical Engineer (Loco/Group B) by quashing the selection as communicated in proceedings No. DCPO(G)/CON/SSP/8/90 dt. 23.10.90 of the second respondent and pass such other relief or reliefs as this Hon'ble Tribunal may deem fit just and necessary in the circumstances of the case.

9. INTERIM RELIEF:- The applicant seeks fixation of an early date for final hearing

10. NOT APPLICABLE.

11. Particulars of the postal order in respect of the Fee:-

Amount:- Rs50 Date: 14.2.92 Post Office:

Postal order No: 8 03 916767

12. LIST OF ENCLOSURES:-

1. Application 2. Vakalat. 3 Draft 4. Covers etc., ~~1.P.O. No. 916767~~
VERIFICATION :

I, V.Nagabhushanam, son of late Jagannadham, Hindu, aged 53 years, Senior Foreman (Electrical), Senior D.M.E. Office, S.E. Railway, Waltair, do hereby solemnly verify that the contents of the application are true to my personal knowledge and on legal advice. Nothing has been suppressed.

HYDERABAD.

SIGNATURE OF THE APPLICANT.

DT. 13.2.1992.


COUNSEL FOR THE APPLICANT.

:: 6 ::

ANNEXURE .I

S.E.RAILWAY.

No. DCPO (G) / CON / SBP / 8/90

C.P.O.'S OFFICE/GRC,

Dated 23.10.1990.

To

CME/CWE/CRSE/SMPE (R&L)/CRTS-GRC.

CPM/KGP W/Shops.CWM/WRS/Raipur,CWM (W) -MCS.

DY.CME/NGP W/S.Sr.DME (DSL)/BNDM.

DRM (P) -KGP/CKP/ADA/KUR/WAT/NGP/BSP.

WPO-KGP.GM (P) -CLW/Chittaranjan,

CPLO/SPO (E) /SPO (GAZ) -GRC.SPC (E/ML) -GRC.

Director General, RDSO, 3 Keilaghat St., Cal-1.,

General Manager (Insp) /RITES/2nd Floor,

New Annexa Building, Churchgate Station, Bombay-20.

Principal, System Tech., School, KGP,

Managing Director, RITES, NEW DELHI HOUSE, 27,

Barkhamba Read, New Delhi.1.,

Regional Manager (Insp), RITES, Eastern Region,
Gillander House, (F' Block, 2nd Floor), B,
Netaji Subhas Road, Calcutta-1.,

G.M./Metro Rly/Calcutta.

Sub:- Formation of a panel for the post of Asst. Mech.
Engineer (Loco)/Group 'B' against 75% vacancies on
S.E.Railway.

Ref:- This office letter of even No. dt. 9.7.90,
23.7.90, and 19.9.90.,

* * *

The following is the provisional panel of 2 (two)
Staff approved by the General Manager on 21.10.1990
for promotion to the post of Assistant Mechanical Engineer (Loco)/
Group 'B' in the Mechanical Department as a result of selection,
the written examinations for which were held on 3.8.1990 and
20.8.90 and Viva-Voce on 9.10.1990.

1. Sri. E.K. George.,

2. Sri. V.R. Mandiya (SC).

Promotion should be regulated according to the order
in which the names have been arranged above, subject to observation
of roster point maintained for S/C and S/T candidates.

10

** 7 **

Appointment to the above mentioned empanelled staff to Group 'B' is subject to their passing requisite Medical Examination as per extant rules.

This is subject to disposal of O.A.493/88 pending in Honourable CAT/Calcutta.

Sd/- X X X

(P.C.DAS)

DY.CHIEF PERSONNEL OFFICER:

(GAZ) : CHIEF PERSONNEL OFFICER:

Bomfitt

::TRUE COPY::

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: AT HYDERABAD
O.A.NO.973/90 Dated: of Judgment 29.11.90

V.Nagabhusanam .. Appellant

Vs.

1. The Chief Personnel Officer,
South Eastern Railway, Garden Reach,
Calcutta.

2. E.K. George, Internal Inspector,
C.M.E. Office, S.E.Railway,
Garden Reach, Calcutta.43

3. V.R. Mediya, Officiating A.M.E
S.E.Railway, Kharagpur. .. Respondents.

Counsel for the Appellant: Sri P.B.Vijaya Kumar

Counsel for the Respondents: Shri N.R.Devaraj, SC for Rlys.

CORAM

THE HON'BLE SHRI B.N.JAYASINHA: VICE CHAIRMAN

THE HON'BLE SHRI D.SURYA RAO: MEMBER(JUDICIAL)

(JUDGEMENT OF THE DIVISION BENCH DELIVERED BY HON'BLE
SHRI B.N.JAYASINHA (VC))

The applicant who is working as Senior Foreman(Electrical) in South Eastern Railway has filed this application questioning the Proceedings N. SCPO(G):CON:SBP:8:90 dt.23.10.1990 issued by the Chief Personnel Officer, South Eastern Railway i.e. the 1st respondent herein.

2. The applicant states that the posts of Asst. Mechanical Engineer (Loco Gr.B) in the Mechanical Department to the extent of 75% are to be filled up by promotion on the basis of a written test, and viva-voce. Twenty four persons were called for written test. The applicant also appeared for written test on 3.8.1990. Four persons including the applicant passed the written test. Consequently, all the four persons including the applicant asked to attend the interview on 9.10.1990. After the interview, a memo dt.23.10.90 was issued including the names of respondents No.2 and No.3 in the provisional panel. Aggrieved by his non-inclusion in the provisional panel, the applicant has filed this application urging that the action in excluding his name is arbitrary and that the D.P.C. has proceeded to prepare the panel taking extraneous matters into consideration.

(13)

we have heard Sri P.B.Vijaya Kumar, learned counsel for the appellant and Shri N.R.Devaraj, learned standing counsel for the respondents who takes notice at the admission stage. Shri Devaraj contends that under Rule 18(iv)(a) of Railway Servants (Discipline & Appeal)Rules, an employee if aggrieved by any order which denies or varies to his dis-advantage his pay allowances, provident fund benefits, service gratuity or other conditions of service as regulated by rules can prefer an appeal under the statutory rules. The applicant has not exhausted the alternate remedy available to him and the application is therefore premature. That an appeal would lie even in matters of supersession in promotion has been clarified regard to similar rules i.e. Sub-Clause iv of Rule 23 of the CCS(CCA) rules, in the circumstances, the point raised by Shri Devraj has to be upheld and under Sec.20 of the Administrative Tribunals Act, 1985, it is incumbent upon the applicant to exhaust all other ~~remedies~~ remedies available under the service rules before approaching this Tribunal. Since the applicant has a right of appeal and since he has not exhausted the remedy, the application is dismissed as premature. It is open to the applicant to prefer an appeal in accordance with the Rules. No order as to costs.

Certified to be true copy://

To

1. The Chief Personnel Officer, S.E.R Garden Reach, Calcutta.
2. To Mr.P.B.Vijaya Kumar, Advocate, Hyderabad.
3. To Mr.N.R.Devraj, SC for Railways, CAT, Hyderabad.
4. Mr.EK.George, Inerial Inspector, CME, Office SER, Calcutta.
5. Mr.V.R.Madiya, Officiating A.M.E S.E.Rly.Kharagpur.
6. One spare copy

Bomell
//True copy//

Amritpal-II

(3) 10
(4)

STATUTORY APPEAL UNDER RULE 18(iv)(a) OF RS(DEA) 1968 RULES

To

Dt. 13.12.1990

The General Manager,
S.E.Railway, Garden Reach,
Calcutta.

(THROUGH PROPER CHANNEL)

(Competent appellate authority)

Respected Sir,

Sub: Appeal from V.Nagabhushanam, Sr. Foreman(D/E)
Waltair- against the order varying his service
condition disadvantage to him other than disci-
plinary matter.

Ref: CPO: GRC'S LR.NO.: DCPO:G:CON:SEP:8/90 dt.23.10.90.

INTRODUCTION

I am V.Nagabhushanam. After having been selected by Rly. Service Commission, I joined the Railway as Changeran Grade I on 7.1.1964. I was promoted as Asst. Elec. Foreman from 10.1.69 and as Sr. Foreman from 19.6.1978, and had the eligibility of being considered for promotion to Group B. In fact I was already drawing the pay at Rs.3400/- in the scale of Rs.2375-3500. When I was last called in for the selection of Group B right from 1974 but I have been ignored notwithstanding with my length of unblemished service, zeal at work and qualifications I possessed. I put in nearly 27 years of service in group III in various companies. At no time adversity of any of any ACR was communicated. I possessed Hindi Bhushan conducted by Dhakshin Hindi Prachar Sabha and academic qualification of MIE(India), C.Engg.(India) and also computer programming in Fortran IV D. The CPR:GRC vide Lr. No. DCPO:G:GEN:SEP:8/90 dt. 9.7.90 had called for considatures to fill in the existing 8 vacancies in Gr. B(6 V/R & 2 R). Altogether 24 eligible personnel including myself have appeared and offered a written test on 3.8.90. In fact my name appears at the top of the seniority list of Sr. Foreman vide No. P:1:13: DE-126/II dt. 15.1.88 Out of 24 personnel, 4 Personnel only were declared as passed in the written test and accordingly were asked to appear for Viva-voce test on 9.10.90 vide DPO:GRC.

11
(4) 15

Lr. No. DCPO:G:VEN:SBP:8:90, dt. 19.9.90. I have not been consideree instead the two juniors to me, one SC and one U/R were empanneled for Gr. B (loco). Thus my servico condition was badly effected with extraneous considerations and that is why I submit this appeal to redress my grievance.

GROUND FOR APPEAL:

1. I am fairly senior in ~~assurance~~ service and well qualified with unblemished long service at the senior most subordinate service in the RMechanical Diesel Engineer. The CRC 's for the last 3 years were also not adverse and in fact were favourable to me. My capability at work has also been commendable. Yet, I have not been considered. Although the Zone of consideration for DPC in the seniority, capability and personality.
2. By ignoring me from the avenew of consideration for promotion to Group B while bestowing the same on my juniors with comparati- vely less qualifications/seniority as a clear discrimination and inequality in the employment.
3. I am aware that there is no appeal lies against the selection but nowverthelews I am alive to the provision in the Rule 18(iv) (a)of Rly. Ser fices(D&A)1968 Rules other than Disciplinary matters to ventilate the grievances for redressal in case of any irrational variance mode in the service conditions of the Railway Servant. I am aggrieved that my condition is varied to my dis- advantage on irrational grou nids, and hence, this appeal.

PRAYER

As a delagent and concious subordinate with full responsi- bility and having discharged the duties to the best advantage of the Rlys. through out my carrier, I apprehend that I have been discriminated and denied the due promotion to me in turn in pre- ference to my juniors who are comparatively less placed in all respect than me.

I therefore, pray your goodself kindly to examine all the factual facts in the matter and favour me with a speaking order i.e. the reasons for arriving at final devision on this appeal and communicate to me vide Rly. Board's direction vide letter No. E(D'A)RG.Dt.6.1.11, dt.3.3.78.

t.o.

12

16

((*5))

I may mention here that the Central Administrative Tribunal Hyderabad bench has desired that I should first prefer an appeal to your goodself on the very matter before their intervention is invoked.

I, therefore, submit this appeal under the extent rules with a hope that you would cause a reply to me within a month the date of receipt of this appeal as envisaged in the Rly. Board's order No. E(D&A):7:RG:6-22, dt. 11.6.1981 circulated under CPB:GRC'S:Est. S.No.89/82.

Thanking you,

Yours

Yours faithfully,
Sd/- (V. NAGABHUSHANAM)
SR. FOREMAN (D:E)
DLS:WAT:VISAKHAPATNAM

Max

Copy by post in advance to save delay.

Bom
//True copy//

(17)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

O.A. No. 124 of 1992

Between: V. Nagabhushanam Applicant
And: The General Manager
S.E.Rly, Calcutta-43
and 3 others Respondents

COUNTER AFFIDAVIT FILED ON BEHALF OF THE RESPONDENTS

I, V. VISWANATHAN son of R. VENKATA RAMANA, aged about 54 years, occupation Government Service do hereby affirm and state as follows:

1. I am the Divisional Railway Manager, South Eastern Railway, Waltair at Visakhapatnam and as such I am fully acquainted with all facts of the case, I am filing this counter affidavit on behalf of Respondents Nos. 1 and 2 herein as I have been authorised to do so. The material averments in this O.A. are denied save those that are expressly admitted herein. The applicant is put to strict proof of all such averments except those that are specifically admitted hereunder:

2. At the outset it is submitted that the applicant has not made any specific allegation for redressal of his grievance. It appears this is more a reaction emanating from his frustration for not being selected as Asstt. Mechanical Engineer (Loco) Group-B. The O.A. is filed on mere apprehensions, surmises and guess work without any specific allegation. On a proper analysis of the grievance, it appears that the applicant only wants this Court to satisfy itself as to whether the marks for record of service is properly given. This cannot be otherwise because he has no grievance on his qualifying

(8)

marks which enables him to face the *viva voce*. The marks awarded for his leadership qualify proficiency etc. cannot be gone into this Hon'ble Court because that is left to the assessment of the duly Constituted Selection Board and the Hon'ble Court cannot sit on the judgement of the Duly Constituted Selection Board and review it. In fact this position is accepted by the applicant himself in para 4(e) of his application. It is, therefore, submitted that if the applicant's apprehension is that he was not awarded marks for his record of service properly, the Respondent submits that his fears are ill-founded as his record of service was correctly assessed and correct marks for which he is entitled for are awarded under the extant rules. This is a matter of record and the Duly Constituted Selection Board cannot exercise the powers arbitrarily while assessing the marks for record of service. The allegations that the selection proceedings of Duly Constituted Selection Board are vitiated by extraneous considerations are totally false and therefore strongly denied. The applicant is put to strict proof of the same. In the matter of selection from Group-'C' to Group-'B' posts, seniority is not the only criterion. It is also not a fact that unless there is adverse remarks in the A.C.Rs (Annual Confidential Reports) of a particular candidate, A.C.Rs of all candidates are of same standard. There are various gradations in A.C.Rs, viz: Good, Very Good, Outstanding etc. and these gradations also count at the time of Selection. Without making any specific allegations, it cannot be properly answered. The applicant indulges in wild and baseless allegations which can only be described as highly irresponsible. On this ground ^{also} above, the appli-

cation is liable to be dismissed.

35. In reply to para-4 it is submitted that:

(b) The respondents 1 & 2 submit that the applicant was qualified in the written test but did not qualify in the viva-voce test. Hence he was not placed in the panel of selection for the post of Asstt. Mech. Engineer (Loco) Group-B against 75% vacancies on South Eastern Railway.

(c) The applicant has passed in the written test but did not qualify in the viva-voce test. While conducting the viva-voce test all the due formalities have been observed by the Duly Constituted Selection Board.

(d) It is not correct that the Interview Committee unfortunately overlooked the case of the applicant for promotion as alleged. In fact, all the candidates interviewed in the viva-voce test have been carefully examined by the Duly Constituted Selection Board. The apprehension of the applicant that his A.C.Rs. have not been properly considered in comparison with that of respondents No. 3 & 4 is baseless. In the matter of Selection from Group-C to Group-B posts, seniority is not the only criterion. It is also not a fact that unless there is adverse remarks in the A.C.Rs. of a particular candidate, A.C.Rs. of all the candidates are of same standard. There are various gradations in the A.C.Rs. viz: Good, Very Good, Outstanding etc., and these gradations also count at the time of Selection. The allegations made by the petitioner in this para are, therefore, denied.

20

-4-

(f) The petitioner's allegations made in this para are denied. It is also submitted that the applicant seeks plural remedies in this para. The Respondents oppose the same as not entertainable by this Hon'ble Tribunal.

(g) With reference to paragraph 4 of the original application, it is stated that a decision was taken to form a panel of 8 candidates for promotion to the posts of AME(Loco) Group-B against 75% vacancies as per details given below:-

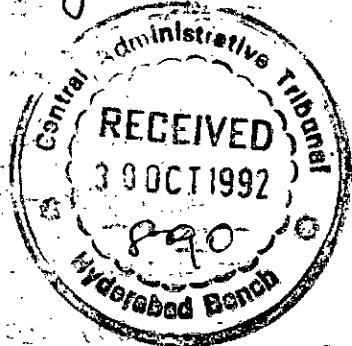
UR	No. 6 posts
SC	No. 1 post
ST	No. 1 post

Total:	8 posts

In terms of Railway Board's instructions, the seniormost 24 candidates from the integrated seniority list were called for the written test. The original written test was held on 3-8-90, in which 14 candidates appeared. The supplementary written test was held on 20-8-90, in which only 2 candidates appeared. Thus the total number of candidates who appeared for written test was 16.

Out of 16 candidates who appeared in the written test, 4 candidates including 2 SC candidates got qualifying marks. All those 4 candidates were called for viva-voce test on 9-10-90. All of them appeared. Based on the marks awarded in the written test, viva-voce test and record of service, the Selection Committee recommended the respondents Nos. 3 & 4 viz. Shri E. K. George and Shri V. R. Mandiya (SC) for empanelment for

In the 1st
Hyd Bench



OA 124/92

Counter Affidavit

Received by DR S/196

On 30 Oct 1992 by DR S/196 for DR S/196 to DR S/196

Filed by—

N. R. Devanay
SC for Rly

E-5
411

21

promotion from Group-C to Group-B post of A.M.E(Loco)
against 75% vacancies

4. In reply to para 5 it is submitted that:

(a) The allegations made in this para are denied. It is submitted that the applicant did not qualify in the viva-voce test. Hence he was not placed in the panel dated 23-10-90 of Assistant Mechanical Engineer (Loco) Group-B.

(b) The allegations made in this para by the applicant are denied and the applicant and the applicant is put to strict proof of the same.

(c) The allegations made by the applicant in this para are denied and the applicant is put to strict proof of the same.

5. In view of the above submissions it is clear that the applicant has not made out any case and there is no merit in the O.A. For the reasons stated above the Hon'ble Tribunal may be pleased to dismiss the O.A. with costs and pass other or further order or orders as it deems fit and proper in the circumstances of the case.

D E P O N T 11/8/92

Solemnly and sincerely
affirmed this 11th day of September 1992
and he signed his name in my presence.

Before me

Attestor

Nasir
प्रधायक कामका अधिकारी
द. प. रत्नें, वालतार
Asst. Personnel Officer
S E H.I. Waltair

~~689 art~~
26/3/95

FORM FOR REQUISITION OF PHOTO/PHONE COPIES

..... Copies of the
No of copies required to be Identify the
specified

... O.A. 124/92. Dated. 22/3/95. having. 4. .
document No. pages are required to be photo/Roneo copies.

It is certified that the Roneo/Photo copies are required for official use and have been authorised by

Dated: 24.3.1991

~~Name of the Officer
Designation.~~

Rsm / -

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD

O.A.124/92.

Dt. of Order:22-3-95.

V.Nagabhushanam

.. Applicant

Vs.

1. General Manager,
S.E.Railway, Calcutta-43.
2. The Chief Personnel Officer,
South Eastern Railway,
Garden Reach, Calcutta.
3. E.K.George, Interial Inspector,
C.M.E.Office, S.E.Railway,
Garden Reach, Calcutta - 43.
4. V.R.Mandiya

.. Respondents

* * *

Counsel for the Applicant : Shri P.B.Vijaya Kumar

Counsel for the Respondents : Shri N.R.Devaraj, Sr.CGSC

* * *

CORAM:

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

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

* * *

DA 124/92.Dt. of Order:22-3-95.

(Order passed by Hon'ble Justice Shri V.Neeladri Rao,
Vice-Chairman).

* * *

The applicant was promoted as Sr.Foreman in 1970. Though he passed the qualifying examination in 1974 for consideration for promotion to the post of Asst.Mechanical Engineer against 75% quota, he could not be selected as he was the junior most, alleged the applicant.

2. Twenty four candidates including the applicant herein were alerted for consideration for promotion to the post of Asst. Mech. Engineer when eight vacancies (OC-6 + SC-2) had arisen in 1990, Fourteen out of them appeared for the examination conducted on 3-8-90 while two appeared in the supplementary written test held on 20-9-90. Out of them only four candidates including the applicant and two Scheduled Caste candidates were qualified, and all the four of them were called for interview. Out of them Respondent No.3 (OC candidate) and Respondent No.4 (SC candidate) were empanelled after viva-vocie. When the applicant was not empanelled, he filed DA 973/90 for declaration that the action of the Respondents in not empanelling the applicant for the post of Asst. Mech. Engineer ^{as} ~~as~~ illegal. The same was dismissed by holding that the applicant was having alternative remedy of representation and he was at liberty to make a representation. It is stated for the applicant that he submitted a representation dt.13-12-90 and

24

- 3 -

the same has ~~not yet been disposed of and when the same was not~~ disposed of, this O.A. was filed on 14-2-92 praying for a direction to the Respondents 1 and 2 to consider the case of the applicant for promotion to the Asst.Mech.Engineer by quashing the selection as communicated in proceedings No.DCPO(G)/CON/SSP/8/90 dt.23-10-90 of Respondent No.2.

3. The rules lay down that one should get minimum of 15 marks out of 25 for the record of service, and one has to get minimum of 30 marks out of 50 for record of service and viva-voce (25 for record of service and 25 marks for viva-voce) for empanelment to Group-B from Group-C (the post of Sr.Foreman is in Group-C while the post of Asst.Mech.Engineer (Loco) is in Group-B). Eventhough it is alleged in the O.A. that for extraneous reasons the applicant is not empanelled, it is rightly submitted for the Respondents that as no bias was attributed to any of the Members of the Selection Committee, this Tribunal cannot re-assess the marks awarded at the time of interview.

4. But the marks that have to be awarded on the basis of ACRs for the relevant years are on the basis of the gradings given, we feel that a direction has to be given to Respondent No.2 to produce the ACRs of the applicant, which ~~are~~ ^{were} taken into consideration for the selection referred to, and the minutes of the selection committee which met on 9-10-90 for consideration for promotion to the posts of Asst.Mech.Engineer (Loco).

X

.. 4.

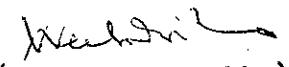
M.G.W

Respondent No.2 has to get the same produced before this
Tribunal by 24-4-95.

4. Call the O.A. on 24-4-95. /



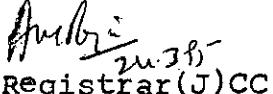
(R.RANGARAJAN)
Member (A)



(V.NEELADRI RAO)
Vice-Chairman

Dt. 22nd March, 1995.
Dictated in Open Court.

av1/



Deputy Registrar (J) CC

To

1. The General Manager, S.E.Rly, Calcutta-43.
2. The Chief Personnel Officer, S.E.Rly,
Garden Reach, Calcutta.
3. E.K.George, Interial Inspector, C.M.E.Office,
S.E.Rly, Garden Reach, Calcutta-43.
4. V.R.Mandiya, A.M.E. S.E.Rly, Kharagpur.
5. One copy to Mr.F.B.Vijayakumar, Advocate, CAT.Hyd.
6. One copy to Mr.N.R.Devraj, SC.ES Rlys, CAT.Hyd.
7. One spare copy.

pvm



24/3/95

No. 95
C.C by 27/3/95.

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

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

AND

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

DATED - 22 3 1995.

ORDER/JUDGMENT:

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

O. A. No. 124/92 in

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

Admitted and Interim directions
issued.

Post on 26/3/95

Allowed.

Disposed of with directions.

Dismissed.

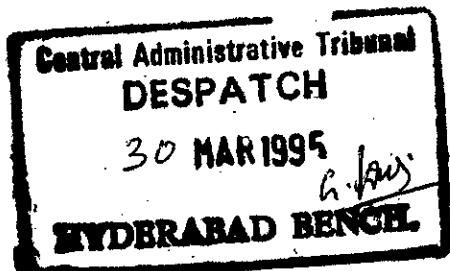
Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected.

No order as to costs.

26/3/95



CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

R.A./M.A./C.A. NO.

ORIGINAL APPLICATION NO. 124/92 OF 199

TRANSFER APPLICATION NO. OLD.PETN. NO.

CERTIFICATE

Certified that no further action is required to be taken and the case is fit for consignment to the Record Room (Decided)

Dated: 19/6/95.

Counter signed:

Court Officer/Section Officer.

pvm.

of

Signature of the Dealing Asst.

22

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD.

O.A. NO. 124/92

DATE OF JUDGMENT: 12-6-95

BETWEEN:

V. Nagabhushanam

: Applicant

and

1. General Manager
SE Railway, Calcutta-43

2. The Chief Personnel Officer
SE Rly., Garden Reach, Calcutta

3. E.K. George,
Interial Inspector
CME Office, SE Rly,
Garden Reach, Calcutta-43

4. V.R. Mandiya
Officiating AME,
SE Rly., Kharagpur

: Respondents

COUNSEL FOR THE APPLICANT: SHRI P.B. Vijayakumar, Advocate

COUNSEL FOR THE RESPONDENTS: SHRI N.R. Devaraj
Sr./Addl.CGSC

CORAM:

HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN
HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

CONTD....

Judgement

(As per Hon. Mr. Justice V. Neeladri Rao, V.C.)

Heard Sri P.B. Vijaya Kumar, learned counsel for the applicant and Sri N.R. Devaraj, learned counsel for the respondents.

2. It is an unfortunate case where the applicant is ~~was~~ ^{not} found good and proficient as revealed by the marks in the written test and is also the seniormost foreman who was considered for the post of Assistant Mechanical Engineer against the 75% quota and even though the vacancies are available in the post of Assistant Mech. Engineer, he could not be selected as he had not got the minimum marks both in Record of service and also in the viva-voce.

3. When eight vacancies in the post of Asstt. Mech. Engineer as against 75% quota in the South-East Railways were available, steps were taken in 1989 for filling up ^{these} ~~four~~ posts. Only four candidates including the applicant got the minimum in the written test and all of them were called for viva-voce. Out of them two were selected and the other two including the applicant were not selected as they did not get the minimum marks in the Record of Service. The applicant could not secure the minimum marks in the viva-voce ~~also~~.

4. As per the order dated 23-2-1995, the respondents produced the Minutes of Selection Committee which met on 9-10-1990 for consideration for promotion to the post of Asstt. Mech. Engineer(Loco). We perused (and returned
✓

To

1. The General Manager, S.E.Rly, Calcutta-43.
2. The Chief Personnel Officer, S.E.Rly,
Garden Reach, Calcutta.
3. One copy to Mr.P.B.vijayakumar, Advocate, CAT.Hyd.
4. One copy to Mr.N.R.Devraj, SC for Rlys, CAT.Hyd.
5. One copy to Library, CAT.Hyd.
6. One spare copy.

pvm

after perusal) the same. In fairness to the learned counsel for the applicant it ~~has been~~ ^{is} stated that no bias is alleged ~~to~~ ^{against} the Members of the Selection Committee. It is not a case where to select a junior, a senior is purposefully overlooked. When eight vacancies were available, only two got more than the minimum prescribed. Thus in fact there is not even a plea of bias.

5. Eventhough, we directed as per order dated 22-3-1995 for production of relevant ACRs of the applicant, it is stated in the letter No. DCPO(G)/Con/CC/CAT/165 dated 2-6-1995 by CPO addressed to DRM(P), Waltair, that the necessary ACRs were misplaced after they were handedover to the PA to CME for consideration in regard to the selection to the post of Asstt. Mech. Engineer. As the applicant has not even got the minimum in the viva-voce, no purpose will be served in perusing the ACRs for even if ~~it can be noticed~~ ^{only} more marks had to be allotted for Record of Service, still he cannot be selected as he did not get the minimum in the viva-voce. Hence, there is no need to give further direction to the respondents to trace out the relevant ACRs.

6. In the result the OA fails and accordingly it is dismissed. No costs. /


(R. Rangarajan)
Member (Admn)


(V. Neeladri Rao)
Vice Chairman

Dated : June 12, 95
Dictated in Open Court

sk


Deputy Registrar (S) C

THPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

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

A N D

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

DATED 12/6 1995.

ORDER/JUDGMENT:

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

in
OA. No. 124/92

TA. No. (W.P.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions.

Dismissed.

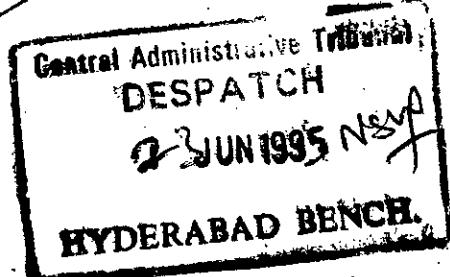
Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No order as to costs.

No Spare copy



✓

OA 124/92.

Dt. of Order: 22-3-95.

(Order passed by Hon'ble Justice Shri V.Neeladri Rao,
Vice-Chairman).

* * *

The applicant was promoted as Sr.Foreman in 1970. Though he passed the qualifying examination in 1974 for consideration for promotion to the post of Asst.Mechanical Engineer against 75% quota, he could not be selected as he was the junior most, alleged the applicant.

2. Twenty four candidates including the applicant herein were alerted for consideration for promotion to the post of Asst. Mech. Engineer when eight vacancies (OC-6 + SC-2) had arisen in 1990. Fourteen out of them appeared for the examination conducted on 3-9-90 while two appeared in the supplementary written test held on 20-9-90. Out of them only four candidates including the applicant and two Scheduled Caste candidates were qualified, and all the four of them were called for interview. Out of them Respondent No.3 (OC candidate) and Respondent No.4 (SC candidate) were empanelled after viva-vocie. When the applicant was not empanelled, he filed OA 973/90 for declaration that the action of the Respondents in not empanelling the applicant for the post of Asst. Mech. Engineer as illegal. The same was dismissed by holding that the applicant was having alternative remedy of representation and he was at liberty to make a representation. It is stated before the applicant that he submitted a representation dt.13-12-90 and

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD

O.A.124/92.

Dt. of Order: 22-3-95.

V.Nagabhushanam

.. Applicant

Vs.

1. General Manager,
S.E.Railway, Calcutta-43.
2. The Chief Personnel Officer,
South Eastern Railway,
Garden Reach, Calcutta.
3. E.K.George, Internal Inspector,
C.M.E.Office, S.E.Railway,
Garden Reach, Calcutta - 43.
4. V.R.Mandiya

.. Respondents

* * *

Counsel for the Applicant : Shri P.B.Vijaya Kumar

Counsel for the Respondents : Shri N.R.Devaraj, Sr.CGSC

* * *

CORAM:

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

THE HON'BLE SHRI R.RANGARAJAN : MEMBER - (A)

* * *

.. 2.

Respondent No.2 has to get the same produced before this
Tribunal by 24-4-95.

4. Call the O.A. on 24-4-95. /

CERTIFIED TO BE TRUE COPY
D. V. Choudhury
Date 24/3/95
Court Officer
Central Administrative Tribunal
Hyderabad Bench
Hyderabad

To

1. The General Manager, S.E.Rly, Calcutta-43.
2. The Chief Personnel Officer, S.E.Rly,
Garden Reach, Calcutta.
3. E.K.George, Interial Inspector, C.M.E.Office,
S.E.Rly, Garden Reach, Calcutta-43.
4. V.R.Mandiya, A.M.E. S.E.Rly, Kharagpur.
5. One copy to Mr.F.B.Vijayakumar, Advocate, CAT.Hyd.
6. One copy to Mr.N.R.Devraj, SC.Off Rlys, CAT.Hyd.
7. One spare copy.

pvm

Case Number	W.P. 1261/2
Date of	21-3-95
Opp. At	22-3-95
Section Officer (I)	

Interf. D. V. Choudhury

the same has not yet been disposed of and when the same was not disposed of, this O.A. was filed on 14-2-92 praying for a direction to the Respondents 1 and 2 to consider the case of the applicant for promotion to the Asst.Mech.Engineer by quashing the selection as communicated in proceedings No.DCPO(G)/CON/SSP/8 dt.23-10-90 of Respondent No.2.

3. The rules lay down that one should get minimum of 15 marks out of 25 for the record of service, and one has to get minimum of 30 marks out of 50 for record of service and viva-voce (25 for record of service and 25 marks for viva-voce) for empanelment to Group-B from Group-C (the post of Sr.Foreman is in Group-C while the post of Asst.Mech.Engineer (Loco) is in Group-B). Eventhough it is alleged in the O.A. that for extraneous reasons the applicant is not empanelled, it is rightly submitted for the Respondents that as no bias was attributed to any of the Members of the Selection Committee, this Tribunal cannot re-assess the marks awarded at the time of interview.

4. But the marks that have to be awarded on the basis of ACRs for the relevant years are on the basis of the gradings given, we feel that a direction has to be given to Respondent No.2 to produce the ACRs of the applicant, which are taken into consideration for the selection referred to and the minutes of the selection committee which met on 9-10-90 for consideration of the application for promotion to the posts of Asst.Mech.Engineer (Loco).