

(42)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD  
\*\*\*\*

D.A. 463/94.

Dt. of Decision : 14-11-95.

M. Sumiyon

.. Applicant.

vs

1. The Chief Personnel Officer,  
SC Rly, Rail Nilayam,  
Secunderabad.
2. The Divl. Railway Manager,  
SC Rly, Vijayawada.
3. The Sr.Divl.Personnel Officer,  
SCRly, Vijayawada.
4. The Sr.Divl.Electrical Engineer,  
SCRly, (Maintenance)  
@@@@Vijayawada.
5. The Chief Electrical Foreman,  
(Air Condition)SC Rly,  
Vijayawada.
6. Sri M. Venkateswarlu. .. Respondents.

Counsel for the Applicant : Mr. J.M.Naidu

Counsel for the Respondents : Mr. D.F.Paul, SC for Rlys.

CORAM:

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

O.A.No.463/94

JUDGEMENT

X As per Hon'ble Sri Justice V.N. Rao, Vice Chairman X

Heard Sri J.M.Naidu, learned counsel for applicant and Sri D.F.Paul, learned Stg.Counsel for R-1 to R-5. R-6 called absent.

2. The applicant is now working as Air Conditioning Mechanic Gr.I (for short A.C.Mechanic). The promotion from the said post is to Master Craftsman in the pay scale of Rs.1400-2300. It is not in controversy that the applicant is the seniormost in the cadre of A.C.Mechanic Gr.I and hence he was considered for promotion. But when he was not chosen for promotion to the post of Master Craftsman and when he was not selected, this OA was filed praying for a direction to the respondents to promote him to the post of Master Craftsman, and <sup>after</sup> for quashing the impugned order dt.21-3-94 of R-2 whereby R-6 who is junior to the applicant was promoted to the said post.

3. The ACRs for the years 1989-90, 90-91 and 91-92 were looked into for consideration for the promotion. There were remarks in the ACRs of all the years in regard to the applicant to the effect that his integrity is doubtful. The contention for the applicant is that the remarks in regard to the integrity in his ACRs cannot be looked into, as the same were not communicated to him. As per Railway Board's Lt.No. E(D&A)90 RG6/47, dt. 5-6-90, the adverse remarks with regard

to the integrity have to be communicated to the concerned employee. As adverse remarks on the integrity, as recorded in the ACRs were not communicated to the applicant for the relevant years, the same should not have been looked into by the DPC when the case of the applicant has come up for consideration.

4. It is not clear from the remarks of the DPC, as noted in the relevant proceedings as to whether these adverse remarks in regard to the integrity were looked into or not.

5. It is hence necessary to give a direction to R-2 to convene the Review DPC for consideration of the case of the applicant for promotion to the post of Master Craftsman without reference to the adverse remarks about the integrity in the relevant ACRs, in accordance with the rules. If on that basis the applicant is going to be promoted, and if there is no other vacancy in the post of Master Craftsman, the applicant has to be promoted from the date when R-6 was promoted and R-6 has to be reverted. The applicant has to be given the pay in the pay scale from the date on which R-6 joined, in case the applicant is going to be promoted and then he is entitled to the arrears.

6. In the result, this O.A. is ordered as under:-

R-2 has to convene Review Departmental Promotion Committee for consideration of the case of the applicant for promotion to the post of Master Craftsman, without referring to the adverse remarks about the integrity in the Annual Confidential Reports, in accordance with rules, and if

X

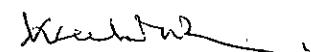
(50)

he is promoted, he has to be given promotion from the  
date on which R-6 has ~~given~~ <sup>claimed</sup> the post of Master Craftsman  
and then R-6 has to be reverted. The pay of the applicant  
has to be fixed in the pay scale for the Master Craftsman,  
in case of his promotion from the date of promotion as per  
this order and then he has to be paid the arrears.

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



(R. Rangarajan)  
Member (A)



( V. Neeladri Rao )  
Vice Chairman

Dt.14-11-1995  
Open Court Dictation



Deputy Registrar (J)CC

To

1. The Chief Personnel Officer,  
kmv SC Rly, Railnilayam, Secunderabad.
2. The Divisional Railway Manager,  
SC Rly, Vijayawada.
3. The Sr. Divisional Personnel Officer, S.C.Rly,  
Vijayawada.
4. The Sr. Divisional Electrical Engineer,  
S.C.Rly, (Maintenance) Vijayawada.
5. The Chief Electrical Foreman,  
(Air Condition)SC Rly, Vijayawada.
6. One copy to Mr.J.M.Naidu, Advocate CAT.Hyd.
7. One copy to Mr.D.Francis Paul, SC for Rlys. CAT.Hyd.
8. One copy to Library, CAT.Hyd.
9. One spare copy.

pvm.



P. Venkateswaran  
12/11/95

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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(A)

DATED: 14-11-1995

~~ORDER~~ JUDGMENT

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

in

O.A.No.

463/94.

T.A.No.

(W.P.No.)

Admitted and Interim directions  
Issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.

pvm.

No Spare Copy

