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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.)

B. J.

C.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~~^{ed} for promotion to the post of Master Craftsman
and ~~when~~^{as} 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 ~~for~~^{after} 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 conten-
tion 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)90RG6/47, dt. 5-6-90, The adverse remarks with regard

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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.

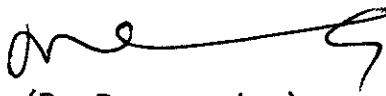
5. It is hence necessary to give a direction to R-2 to convene the Review DPC for consideration of the case of the applicant for promotion to the post of Master Craftsman without reference to the adverse remarks about the integrity in the relevant ACRs, in accordance with the rules. If on that basis 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.

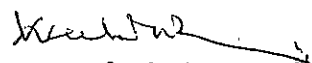
6. In the result, this O.A. is ordered as under:-

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

he is promoted, he has to be given promotion from the date on which R-6 ^{assumed} ~~has given~~ 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.

2. 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, Vijaywada.
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.

23/11/95

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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

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

