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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO. 784/95

DATE OF ORDER : 30-03-1998.

Between :-

T.Venkateswara Rao

... Applicant

And

1. The Divisional Railway Manager (P),
S.C.Railway, Vijayawada.
2. The Chief Personnel Officer,
SC Rlys, Rail Niayam, Sec'bad.
3. The Chief Engineer,
SC Rlys, Sec'bad.
4. The Sr.Divisional Engineer
(Co-ordination), SC Rlys,
Vijayawada.

... Respondents

— — —

Counsel for the Applicant : Shri A.Srinivasa Rao

Counsel for the Respondents : Shri V.Rajeshwar Rao, CGSC

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CORAM:

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

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (J)

(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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D ... 2.

(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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Heard Sri A.Srinivasa Rao, counsel for the applicant and Sri V.Rajeshwara Rao, learned standing counsel for the respondents.

2. The applicant while working as PWI Gr.III, Miryalaguda under CPWI/NOKD Section of Vijayawada Division was called for selection to the post of PWI Gr.II. PWI Gr.II is a non-selection post and promotion to that post is on the basis of grading given by the Controlling Officer based on CRs and other service records. He is eligible to consider the case of all the PWI Gr.III for promotion to PWI Gr.II as per recruitment rule. It is stated that a DPC was held on 30-12-1993 and the Dy.Chief Engineer reviewed the cases of the ~~applicants~~ ^{employees} numbering about 60 for promotion to PWI Gr.II. It is stated that the case of the applicant was also considered and he was not selected.

3. This OA is filed praying for a direction to the respondents to promote the applicant to PWI Gr.II with effect from 8-2-95 i.e. the date when his junior Sri B.Isaiah Bhaskar was promoted with all consequential benefits.

4. A reply has been filed in this O.A. From the reply it transpires that the applicant was considered but not found fit for promotion and hence he was not selected.

5. Counsel for the applicant submits that the applicant was not given any bad confidential reports as no adverse remarks was conveyed to him earlier. Hence deleting his name from the promotion list is irregular. He also produced before us the letter of the applicant.

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[Signature]

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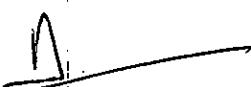
addressed to Respondent No.4 (page-26 to the OA), wherein he has stated that his records are not bad. On that the D.E.M.(West)made querries as to why the applicant was not given promotion. It is stated in the same letter as answer to the querries raised that there are no adverse remarks in the confidential reports of the applicant in the year 1993-94. Hence the Chief Personnel Officer, SC Railway (Respondent No.2 herein) has to advise on stoppage of his promotion. Basing on that remarks, the learned counsel for the applicant suumits that the applicant was deprived of his promotion due to extraneous reasons and not on the basis of proper scrutiny of the confidential reports by the Departmental Promotion Committee.

6. In order to verify the above contention, we have called for the selection proceedings in this connection. Today, the selection proceedings were produced. In the file No.P/E/Con/282/PWI/Gr.II, the selection proceedings have been enclosed at page-10. It is seen from this selection proceedings that there were 54 vacancies to be filled in the grade of PWI Gr.II. Out of 54 vacancies, five vacancies are earmarked for SC quota and 49 vacancies are earmarked for OC quota. The recommendations of the Committee i.e. 'suitable' and 'not suitable' for promotion has been indicated in the Column No.9 in that statement. Against the name of the applicant it is indicated 'not suitable' for promotion. In order to check the veracity of the statement we have asked the standing counsel for the respondents to show the method adopted for arrivingat the recommendations and also to the records based on which the recommendations were made. Standing Counsel for the respondents produced another file bearing No.P/E/CON/282/DE/Gr.I/P.Way/III. In this file the basis on which the recommendations were given is indi-

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cated. However, the names of all 60 candidates considered for promotion to Gr.II is not available in that file. Only a loose sheet containing the grading of the Confidential Reports of five candidates and the grading of 'stand by' three candidates were produced. The name of the applicant is shown at Sl.No.2 in the stand by list whereas in the earlier file the name of the applicant is shown at Sl.No.4 in the list at page-10. When we questioned the standing counsel for the respondents as to why the further details of the grading given to all the 60 employees considered for promotion to PWI Gr.II was not produced, the learned standing counsel for the respondents submitted that the sheet which contains the name of the applicant from the whole bunch has been taken out and produced here. But there is no reason in our opinion to show the name of the applicant as 'stand by' as he is at Sl.No.4 in the original list at page-10 of the other file. Hence we are not satisfied with the material produced in assessing the suitability of the applicant for promotion to the post of PWI Gr.II. The loose sheet makes us suspect the process of the selection. It maybe possible that the loose sheet has been prepared in view of the directions given by this Tribunal and produced for our perusal. Hence we cannot accept the contents of the loose sheet and in that view we are of the opinion that the case of the applicant was not considered in accordance with rules for promotion to the post of PWI Gr.II by the Committee which met on 29-11-94. Hence we are of the opinion that the case of the applicant should be reviewed by a review DPC and his fitness for promotion to the post of PWI Gr.II should be re-assessed. If he is found fit for promotion by the review DPC then his name should be interpolated in the xxxx xxxx xxxx xxxx xxxx xxxx xxxx xxxx

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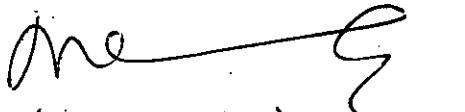
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list of candidates promoted to the post of PWI Gr.II on the basis of proceedings dt.29-11-94. If in pursuance of this direction the name of the applicant is included in that list, he is entitled for all consequential benefits such as seniority,fixation of pay and arrears on that basis on par with his juniors in that list.

7. With the above direction, O.A. is disposed of. No order as to costs. (Both the files are returned after perusal).


(B.S.JAI PARAMESHWAR)
Member (J)
30.3.98


(R.RANGARAJAN)
Member (A)


dated: 30th March, 1998.
Dictated in Open Court.

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Copy to:

1. The Divisional Railway Manager (P),
South Central Railway, Vijayawada.
2. The Chief Personnel Officer, South Central Railway,
Railnilayam, Secunderabad.
3. The Chief Engineer, South Central Railway,
Secunderabad.
4. The Senior Divisional Engineer (Co-ordination),
South Central Railway, Vijayawada.
5. One copy to Mr. A. Srinivasa Rao, Advocate, CAT, Hyderabad.
6. One copy to Mr. V. Rajeswara Rao, Addl. CGSC, CAT, Hyderabad.
7. One copy to D.R(A), CAT, Hyderabad.
8. One duplicate copy.

YLKR

15/4/98

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II COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR :
M (J)

DATED: 30/3/98

ORDER/JUDGMENT

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

in

D.A.N.O. 784/95

~~ADMITTED AND INTERIM DIRECTIONS
ISSUED~~

~~ALLOWED~~

~~DISPOSED OF WITH DIRECTIONS~~

~~DISMISSED~~

~~DISMISSED AS WITHDRAWN~~

~~DISMISSED FOR DEFAULT~~

~~ORDERED/REJECTED~~

~~NO ORDER AS TO COSTS~~

YLR

