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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH : AT
HYDERABAD

O.A.No.254 OF 1995.

Date of Order:27.2-1998.

Between:

S.Raju.

.. Applicant

and

1. General Manager,
South Central Railway, Rail Nilayam,
Secunderabad.
2. Chief Personnel Officer,
South Central Railway, Rail Nilayam,
Secunderabad.
3. Chief Signal & Telecommunication Engineer,
South Central Railway, Rail Nilayam,
Secunderabad.
4. Sri K.Harinatha Babu,
Senior Signal & Telecommunication Engineer,
Rail Nilayam, Secunderabad.
5. Sri K.Selvaraj, Working as Divisional Signal
and Telecommunications Engineer, Rail Nilayam,
South Central Railway, Secunderabad.

..Respondents

COUNSEL FOR APPLICANT :Mr.S.Rama Krishna Rao

COUNSEL FOR RESPONDENTS:Mr.V.Bhimanna

CORAM:

THE HON'BLE SRI R.RANGA RAJAN, MEMBER (ADMN)

AND

THE HON'BLE SRI B.S.JAI PARAMESHWAR, MEMBER (JUDL)

: O R D E R :

(AS PER HON'BLE SRI R.RANGARAJAN ,MEMBER(A))

Heard Sri S.Rama Krishna Rao for the Applicant and
Sri V.Bhimanna for the Respondents.

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2. The applicant is an ST employee and his ~~xx~~ greivance is that he was not promoted to Group-B senior scale when his juniors were promoted by Office Order No.P(GAZ)675/S&T/Vol.XII, dated:6-1-1994(Annexure.I to the OA).

3. This O.A. is filed praying for a direction to the respondents to promote the applicant herein to senior scale Group-B with effect from 5-2-1990 from the date when the backlog vacancy of ST point converted into SC point without considering the case of applicant who was available under ST point for promotion.

4. The applicant submits that the adverse remarks entered in Confidential Report for the year ending 31-3-1990(Annexure.7, Page 19 to the OA) for the year ending 31-3-1992(Annexure.10, Page.25 to the OA) and for the year ending 31-3-1994(Annexure.15, Page 33 to the OA) are not adverse remarks and on that basis his promotion to senior scale should not be denied. As an ST point was available for promoting ST candidate for the year 1990, he should have been promoted against that post while promoting his juniors his case was rejected irregularly and hence he should not be allowed to suffer. His representation for promotion have³ been rejected on the ground that his confidential reports are not satisfactory for considering him for promotion to higher grade of Divisional Signal & Telecommunications Engineer.

5. When we questioned^{the} learned Counsel for the Applicant whether he has submitted any representation for expunging the the remarks when he ^{represented} ~~conferred~~ to respondents as indicated above so as to enable the acceptedⁱⁿ authority to take a final decision in this connection, ~~the~~ the applicant could not produce any document to show that he did represented³ his case to the appropriate

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accepting authority for expunging the adverse remarks ~~ended~~ ^{continued} in his Confidential Report of 1990, 1992 and 1994 and that those representations were not disposed of or disposed of rejecting his case.

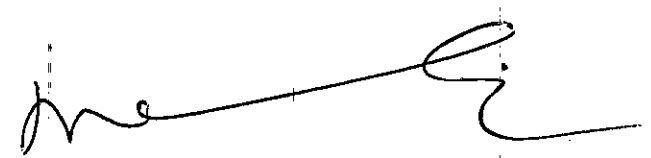
6. A Court/Tribunal cannot pass any order on a request for expunging the adverse remarks unless there is a reason to believe that those remarks were given due to extraneous reasons. No such extraneous reason has been brought to our notice. It is for the accepting authorities to accept his contention and take a decision in regard to the expunging of adverse marks. So far those adverse remarks are available in Confidential Report, the respondents cannot be asked to promote the applicant ignoring such adverse remarks. No doubt, if the accepting authority rejects his contention for expunging adverse remarks and if there is reason to challenge that final order, it is for the applicant to take necessary action as provided for in Law.

7. Hence in view of the above, we do not find any reason to allow the prayer in this application. However, it is for the applicant to take such action as available to him ^{under law} for expunging the remarks and represent his case for promotion on that basis.

8. With the above observations, the O.A. is disposed of.
No costs.


(B.S. JAI PARAMESHWAR)
MEMBER (J)

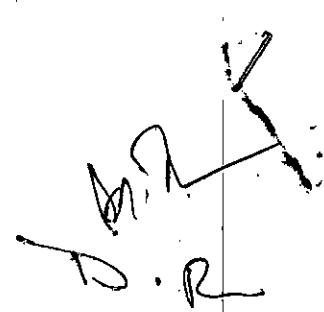
27/2/98


(R. RANGA RAJAN)
MEMBER (A)

Dated: 27th February, 1998

Dictated in Open Court

DSN



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Copy to:

1. The General Manager, South Central Railway,
Railnilayam, Secunderabad.
2. Chief Personnel Officer, South Central Railway,
Railnilayam, Secunderabad.
3. Chief Signal & Telecommunication Engineer,
South Central Railway, Railnilayam, Secunderabad.
4. One copy to Mr.S.Ramakrishna Rao, Advocate, CAT, Hyderabad.
5. One copy to Mr.V.Bhimanna, Addl.CGSC, CAT, Hyderabad.
6. One copy to D.R(A), CAT, Hyderabad.
7. One duplicate copy.

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TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR. B. RANGARAJAN : M(A)

AND

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

DATED:

27/2/98

ORDER/JUDGMENT

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

in

B.A.NO.

254/95

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

~~DISPOSED OF WITH DIRECTIONS~~
DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS.

II COURT

YLKR

