

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. 514/95.

Dt. of Decision : 14-11-95.

D. Satyanarayana Rao

.. Applicant.

Vs

1. Union of India, Rep.
by the General Manager,
SC Rly, Bail Nilayam,
Secunderabad.
2. The Chief Personnel Officer,
SC Rly, Rail Nilayam,
Secunderabad.
3. The Chief Signal & Telecommunications
Engineer, SC Rly, Rail Nilayam,
Secunderabad.

.. Respondents.

Counsel for the Applicant : Mr. G. Ramachandra Rao

Counsel for the Respondents : Mr. V. Bhimanna, Addl. CGSC.

CORAM:

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

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

O.A.No.514/95

JUDGEMENT

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

Heard the counsel for both the parties.

2. The applicant is now working as Telecom Inspector Gr.II, S.C.Railway. The promotion to the post of Telecom Inspector (TCI) Gr.I is by way of selection. But while upgrading the posts of Gr.I w.e.f. 1-3-93, the notification was issued on 26-3-93 to the effect that the upgraded post has to be filled by modified selection procedure consisting of perusal of relevant service register and the C.Rs. Though some of the juniors were promoted to the upgraded post of TCI Gr.I, the applicant was not promoted. Being aggrieved by the Memo dt.19-4-94 whereby his representation for consideration of his promotion to the upgraded post of TCI Gr.I was rejected, the applicant filed this OA praying for a direction to the respondents to promote him to the upgraded post of TCI Gr.I from the date his junior was promoted, with all consequential benefits.

3. In Para-5 of the reply statement, the remarks of the Committee in not recommending the case of the applicant for promotion to the upgraded post of TCI Gr.I are extracted and they are as under:

"His performance during 1991 and also 1992 has been Average. Hence considered not suitable."

But the Railway Board's Lr.No.E(NG)I-92/CR-3, dt.8-10-93
and relied upon ^{by} the applicant, to the extent it is relevant
is as under:

" It has been brought to the notice of the Board that on some of the Railways, employees who have been graded as 'Average' in their CRs are not being considered for promotion against the vacancies arising out of restructuring of cadre, ordered vide Board's Lr.No.PC-III/91/CRC/1, dt.27-1-93, only on account of their average reports.

2. In this connection, your attention is invited the Board's Lr.No.E(NG)I-92/CR/3, dt.1-3-93 wherein it has already been clarified that average report in itself does not mean 'Unfit for promotion'. Accordingly it is clarified that employees who are graded 'average' in C.R. though not be denied the benefit of restructuring only on account of their average reports."

4. It is manifest from the letter dt.8-10-93 that the employee should not be denied the benefit of restructuring of cadre, ^{as} promotion to the upgraded post of TCI Gr.I only on account of the average reports. It is seen from the remarks of the Committee that the applicant was denied the benefit of restructuring only ^{on} account of the applicant's ^{having} 'Average' reports for two out of 3 years. It is not remarked by the Committee that besides Average reports for 2 years, the performance of the applicant was not Good, and hence he is not suitable for promotion to the upgraded post. Hence, it is not necessary again to give a direction for reconvening the Committee for consideration of the case of the applicant in accordance with the Railway Board's letter

dt.8-10-93. So, a direction has to be given for promotion of the applicant to the upgraded post of TCI Gr.I from the date his junior in the category of TCI Gr.II was promoted to the upgraded post with monetary benefits from that date.

5. In the result, the OA is ordered as under:-

The applicant has to be promoted to the upgraded post of TCI Gr.I with effect from the date his junior was promoted and his pay in the upgraded post has to be fixed as on that date and ^{he} has to be paid arrears.

6. No costs. //

(R. Rangarajan)
Member (A)

(V. Neeladri Rao)
Vice Chairman

Dated 14-11-1995
Open Court Dictation.

Deputy Registrar (Judl.)

kmv

1. The General Manager, South Central Railway, Railnilayam, Secunderabad.
2. The Chief Personnel Officer, South Central Railway, Railnilayam, Secunderabad.
3. The Chief Signal & Telecommunications Engineer, South Central Railway, Railnilayam, Secunderabad.
4. One copy to Sri G.Ramachandra Rao, Advocate, C.A.T. Hyd.
5. One copy to Sri ~~V.Rama~~ V.Bhimanna, Addl.CGSC.CAT, Hyd.
6. One copy to Library.
7. One spare copy.

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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. 514/95

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

