

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

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Original Application Number 94 of 1997

Date of Decision: This is the 5th day of July, 2002.

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The Hon'ble Mr. A.P. Nagrath, Administrative Member

The Hon'ble Mr. J.K. Kaushik, Judicial Member

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S.J. Kanjani S/o Shri Jiwat Ram

Aged about 57 years, R/o 3/14,

Shastri Nagar, Beawar - 305901 and

working as Assistant Secretary,

Railway Recruitment Board, Ajmer.

.....Applicant.

By Mr. Sunil Samdaria, Advocate.

versus

1. The Union of India through the
General Manager,
Western Railway, Churchgate, Mumbai-20.

2. The Chief Personnel Officer,
Western Railway,
Churchgate, Mumbai-20.

3. Shri R.A. Sharma, Senior Personnel Officer-
(Workshops), through - Chief Workshop Manager,
Ajmer - 305 008.

4. Shri S.K. Jeswani,
Senior Personnel Officer,
Western Railway through General Manager,
Western Railway, Churchgate, Mumbai-20. ...Respondents

By Mr. Anupam Agarwal, proxy for Mr. Manish Bhandari

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ORDER
(Per Mr.A.P.Nagrath)

The applicant of this O.A. is a group 'B' Officer and at the time of filing of this application, was working as Assistant Secretary, Railway Recruitment Board, Ajmer. In the respondent department, the group 'B' officers are considered for ad hoc promotion to senior scale. The applicant belongs to Personal Department. Vide order dated 30th August, 1996 (Annex. A/1), group 'B' officers of the Personal Department were promoted to senior scale on ad hoc basis. Applicant's grievance is that his juniors have been promoted while he has been ignored. He seeks redressal of his grievance with a prayer that respondents be directed to hold a review DPC to consider his candidature for promotion to senior scale.

2. We have heard the learned counsel for the parties and perused the entire records.

3. It is not in dispute that the adverse remarks were communicated to the applicant for the years ending on 31.3.90, 31.3.91, 31.3.92 and 31.3.93, and because of such record of service, the respondents did not find the applicant suitable for being promoted.

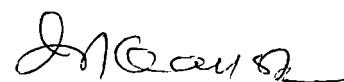
4. The learned counsel for the applicant argued at length to stress that respondents should have considered only three years' Confidential Reports and not five years Confidential Reports, as has been done in this case. In response to our persistent queries, the learned counsel was not able to draw our attention to any order or circular which would indicate that only three years Confidential Reports are to be reckoned



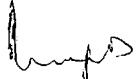
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for the purpose of promotion of the group 'B' Officers to the senior scale on ad hoc basis. The learned counsel referred to the Railway Board's letter dated 27th December, 1997 (Annex. A/12) and interpreted that a reading of this letter would suggest that only three years Confidential Reports should be reckoned for the reason that in that letter it has laid down that group 'B' Officers with less than three years non fortutous, cannot be promoted to senior scale. We do not find any linkage of this letter with the assertion of the learned counsel for the applicant that only three years Confidential Reports are to be considered. What has been said in this letter is, that a group 'B' Officer with less than three years non-fortutous service, is not entitled to be promoted to senior scale. This does not mean that while considering group 'B' Officers with three years service in senior scale, their two or three years Confidential Reports of the non-gazetted service, cannot be taken into account. This O.A., in our considered opinion, is totally misconceived. A person who has been assessed year after year as not performing up to the requirement, cannot make a grievance, if he is not promoted. He has to first prove his own worthiness to hold a post in the higher grade.

5. We, therefore, dismiss this Original Application as the same is totally devoid of merits. No orders as to costs.



[J.K.Kaushik]
Judl. Member



[A.P.Nagrath]
Adm. Member

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