

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO.

55

OF 199 8


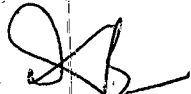

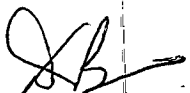


Applicant(s) Shri Jaiprakash
-Vs-






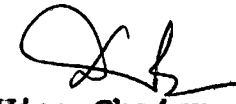


Respondent(s) Union of India & ORS

Advocate for Applicant(s) Mr. B.K. Das
Mr. R. Dutta
Mr. P.K. Roy

Advocate for Respondent(s) Mr. J.L. Sarkar

Notes of the Registry	Date	Order of the Tribunal
<p>SECTION IS 11 10.00 AM Time 10.00 AM R. 501 deputy vice IPOED No 029010 Dated 19-3-98 By order 23/3 23/3</p> <p>Copy of the order may be furnished to Mr J.L.Sarkar</p> <p>Requisite 5 Copies have been filed, 23/3.</p>	<p>24.3.98</p> <p>pg 23/3 25/3</p> <p>3-4-98</p>	<p>Mr J.L.Sarkar, learned Railway stand- ing counsel may receive instructions and to produce all the relevant records including the ACR so far the applicant is concerned. For that purpose he is allowed two weeks time.</p> <p>List on 3.4.98 for admission.</p> <p>Member</p> <p>Vice-Chairman</p> <p>Heard Mr. R. Dutta learned counsel for the applicant and also Mr. J.L. Sarkar counsel for the Railway Admini- stration.</p> <p>Application is admitted. Issue notice. Mr. J.L. Sarkar learned counsel contd/-</p>

Notes of the Registry	Date	Order of the Tribunal
<p>7-4-98</p> <p>Copy of order dtd 3.4-98 issued to the Learned Counsel for the respondents.</p> <p>No WTS filed.</p> <p>Ban</p>	<p>3-4-98</p> <p>lm</p> <p>VS</p> <p>GA</p>	<p>Heard Mr.R.Dutta learned counsel for the applicant and also Mr.J.L.Sarkar counsel for the Railway Administration.</p> <p>Application is admitted. Issue notice. Mr.J.L.Sarkar has entered appearance on behalf of all the respondents. No formal notice need be sent. Mr.R.Dutta shall serve all the copies to Mr.J.L.Sarkar to enable him to file written statement.</p> <p>Copy of this order be furnished to Mr.J.L.Sarkar.</p> <p> Member</p> <p> Vice-Chairman</p>
<p>WTS has not been filed.</p> <p>26/5</p>	<p>12-5-98</p> <p>lm</p> <p>VS</p> <p>13/5</p>	<p>On the prayer of Mr.R.Dutta learned counsel for the applicant 2 weeks time is allowed for filing of written statement.</p> <p>List it on 27-5-98.</p> <p> Member</p> <p> Vice-Chairman</p>
<p>NO WTS has been filed.</p> <p>10/6</p>	<p>27.5.98</p> <p>pg</p> <p>VS</p> <p>28/5</p>	<p>Two weeks further time is allowed for filing of written statement on the prayer of Mr J.L.Sarkar, learned Railway counsel.</p> <p>List on 11.6.98 for written statement and further orders.</p> <p> Member</p> <p> Vice-Chairman</p>

Notes of the Registry	Date	Order of the Tribunal
<p>W/c has not been filed</p> <p>24/6</p>	<p>11.5.98</p>	<p>On the prayer of Mr J.L.Sarkar, learned Railway counsel two weeks further time xxx is allowed for filing of written statement.</p> <p>List on 25.6.98 for written statement and further orders.</p> <p> Member</p> <p> Vice-Chairman</p>
<p>No. written statement has been filed.</p> <p>24/8</p>	<p>pg 25/8 12/6</p> <p>25.6.98</p>	<p>Two weeks further time allowed for filing of written statement on the prayer of Mr J.L. Sarkar, learned Railway Counsel. List it on 9.7.98.</p> <p> Member</p> <p> Vice-Chairman</p>
<p>Written Statement filed on behalf of the respondents No- 3, 4 and 5 at page - 37 to 44.</p> <p>24/7</p>	<p>nkm 24/7 24/6</p> <p>9.7.98</p>	<p>On the prayer of Mr J.L.Sarkar, learned Railway counsel two weeks further time is allowed to file written statement Mr R.Dutta has no objection.</p> <p>List on 24.7.98 for written statement and further orders.</p> <p> Member</p> <p> Vice-Chairman</p>
<p>Rejoinder filed on behalf of the applicant.</p> <p>24/7</p>	<p>pg 24/7 10/7</p> <p>24.7.98</p> <p>pg 24/7 27/7</p>	<p>10 days time allowed for filing of xxxxx rejoinder on the prayer of Mr R.Dutta, learned counsel for the applicant List on 5.8.98 for order.</p> <p> Member</p> <p> Vice-Chairman</p>

Notes of the Registry

Date

Order of the Tribunal

5.8.98

Reply filed on
behalf of R. No-324
to the Rejoinder
filed by the
applicant.

20
13-11-98

pg
NS
698
7-1-99

Addl. Rejoinder filed
on behalf of the
applicant.

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20-11-98

6-1-99

- 1) Written statement -
has been filed.
- 2) Rejoinder & Addl.
Rejoinder has been
filed.

20
6/11/99

20-1-99

- 1) Written statement -
- 2) Rejoinder
- 3) Addl. Rejoinder
has been filed.

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20/11/99

lm

21-1-99

Rejoinder has been filed. The case
is otherwise ready for hearing.

List for hearing on 10.12.1998.

Respondents shall produce the
records.

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Member

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Vice-Chairman

On the prayer of Mr. M. Chanda learned
counsel on behalf of Mr. J. L. Sarkar
learned counsel for Railway Administra-
tion case is adjourned to 21-1-99, for
hearing. Mr. B. K. Das learned counsel
appearing on behalf of the applicant is
ready for hearing.

List on 21-1-99 for hearing.

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Member

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Vice-Chairman

This application has been filed
seeking certain directions. At the
material time the applicant was working
in the post of Permanent Way Inspector.
In the year 1996, the applicant was
eligible for promotion to the post of
Assistant Engineer Group 'B'. However,
in that year he was not considered on
the ground that he had adverse entries
in the ACR for the year 1991. According
to the applicant the adverse remarks,
if any, were not communicated to the
applicant. But this has been disputed
by Railway Administration. According
to the Railway Administration the
adverse entries were duly dispatched.
Regarding the point of communication the
adverse entries were disputed by both
sides. However, the Railway Administra-
tion insisted ^{on} that it was dispatched.
In such a situation, it is not possible
for the Tribunal to decide the applica-
tion as to whether the adverse entries

contd./

Notes of the Registry

Date

Order of the Tribunal

21-1-99

were duly communicated to the applicant or not.

In view of the above we dispose of the application with direction to the respondents to examine the matter as to whether the adverse entries were duly communicated or not. If on examination it is found that the applicant was not duly communicated about the adverse entries made in his ACR then they shall be not taken into consideration for promotion for promotion in the year 1996. If on examination it is found otherwise then it will be just and proper in taking into consideration of adverse entries. The matter will be disposed of within a month from to-day. If the applicant desires to be present on the examination date the authority may allow him to be present at that time.

If the applicant is still aggrieved he may approach this Tribunal.

Accordingly, the Original Application is disposed of. No order as to costs.


Member


Vice-Chairman

lm

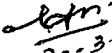
8/2/99

Copies of the order have been sent to the D/Sec. for ensuring the same to the parties through Regd. with A.D.

sl.

Issued vide Respatch No.

418 to 421 dt. 9-2-99


30-3-99

Notes of the Registry	Date	Order of the Tribunal