

FORM NO. 4

(See Rule 42)

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO.

55 OF 199 8

Applicant(s) Shri Juprakash

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

24.3.98

Mr J.L.Sarkar, learned Railway standing 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.

List on 3.4.98 for admission.

Member

Vice-Chairman

Copy of the order may be furnished to Mr J.L.Sarkar

By order

R. Dutta
24.3.98

pg

5/5

25/3

3-4-98

Heard Mr. R. Dutta learned counsel for the applicant and also Mr. J.L. Sarkar counsel for the Railway Administration.

Requisite 5 Copies have been filed.

Application is admitted. Issue notice. Mr. J.L. Sarkar learned counsel contd

23.3.

Notes of the Registry	Date	Order of the Tribunal
<u>7-4-98</u> Copy of order dttd 3-4-98 issued to the Learned Counsel for the respondents. No WTS filed.	3-4-98	Heard Mr. R. Dutta learned counsel for the applicant and also Mr. J. L. Sarkar counsel for the Railway Admini- stration. Application is admitted. Issue notice. Mr. J. L. Sarkar has entered appe- rance 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. Copy of this order be furnished to Mr. J. L. Sarkar.
<i>Box</i>		<i>60</i> Member
<i>WTS to be given 6/5/98</i> <i>SA 26/5</i>	12-5-98	On the prayer of Mr. R. Dutta learned counsel for the applicant 2 weeks time is allowed for filing of written statement. List it on 27-5-98.
<i>No WTS to be given 6/5/98</i> <i>10/6</i>	27.5.98	Two weeks further time is allowed for filing of written statement on the prayer of Mr. J. L. Sarkar, learned Railway counsel. List on 11.6.98 for written statement and further orders.
		<i>60</i> Member
		<i>60</i> Vice-Chairman
		<i>28/5</i>

Notes of the Registry	Date	Order of the Tribunal
W.C. has not been filed 24/6	11.5.98 pg 2/3 12/6	On the prayer of Mr J.L.Sarkar, learned Railway counsel two weeks further time is allowed for filing of written statement. List on 25.6.98 for written statement and further orders. Member
No. written statement has been filed. 24/6	25.6.98 nkm 2/3 26/6	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. Member
Written statement filed on behalf of the respondent's No- 3, 4 and 5 at page - 37 to 44. 24/7	9.7.98 pg 2/3 10/7	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. List on 24.7.98 for written statement and further orders. Member
Rejoinder filed on behalf of the applicant. 24/7	24.7.98 pg 2/3 27/7	10 days time allowed for filing of xxxx rejoinder on the prayer of Mr R.Dutta, learned counsel for the applicant List on 5.8.98 for order. Member

Notes of the Registry

Date

Order of the Tribunal

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

20/11/98

Addl. Rejoinder filed on behalf of the applicant.

20/11/98

5.8.98

Rejoinder has been filed. The case is otherwise ready for hearing.
List for hearing on 10.12.1998.
Respondents shall produce the records.

6a
Member

SB
Vice-Chairman

pg
AS
GB
7-1-99

On the prayer of Mr. M. Chanda learned counsel on behalf of Mr. J. L. Sarkar learned counsel for Railway Administration 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.

6a
Member

SB
Vice-Chairman

1m

21-1-99

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 Administration insisted that it was dispatched. In such a situation, it is not possible for the Tribunal to decide the application as to whether the adverse entries

contd/

6-1-99
1) Written statement
2) Rejoinder & Addl.
Rejoinder has been filed.

20/11/99
1) Written statement
2) Rejoinder
3) Addl. Rejoinder
has been filed.

20/11/99

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.

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Member


Vice-Chairman

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Notes of the Registry	Date	Order of the Tribunal	