

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET


ORDERS OF THE TRIBUNAL

23.4.2009

OA 441/2007

Mr. Ramesh Chand, counsel for applicant.
Mr. Hawa Singh, counsel for respondents.

Heard learned counsel for the parties. The OA stands disposed of by a separate order.


(B.L. KHATRI)
MEMBER (A)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 23rd day of April, 2009

ORIGINAL APPLICATION No.441/2007

CORAM :

HON'BLE MR.B.L.KHATRI, ADMINISITRATIVE MEMBER

Ajay Kumar Nigam,
Junior Engineer-II (Tele),
O/o Divisional Railway Manager,
North Western Railway,
Ajmer.

... Applicant

(By Advocate : Shri Ramesh Chand)


Versus

1. Union of India through
General Manager,
North West Railway,
Jaipur.
2. Divisional Rail Manager,
North West Railway,
Ajmer.
3. Divisional Signal Telecommunication Engineer (DSTE),
DRM Office,
Ajmer.
4. Sr.Section Engineer (Tele)
Under DRM,
North West Railway Office,
Ajmer.

.... Respondents

(By Advocate : Shri Hawa Singh)

ORDER (ORAL)

 PER HON'BLE MR.B.L.KHATRI

The applicant has filed this OA against the order dated 29.5.2007 (Ann.A/1), whereby adverse entry in his ACR for the period from 1.4.2006 to 31.3.2007 was communicated to him. The applicant also filed representation before the DRM, Ajmer, who had also confirmed the adverse entry given to him. Through this OA, the applicant has prayed for the following relief :

- “i) Allow this Original Application in the interest of justice and fair play and impugned order of Ann.A/1 and Ann.A/2 may please be quashed and set aside.
- ii) By appropriate order or direction, the respondents be directed not to consider any promotion order in scale Rs.5500-9000 till this Original application is not disposed off.
- iii) By appropriate order or direction, the storeyed type remarks of the annual confidential report period ending from 1.4.2006 to 31.3.2007 may kindly be quashed and set aside.”

2. Learned counsel for the applicant had invited attention of the Bench to the duty list of the applicant (Ann.A/4), wherein following duties were assigned to the applicant :

- (i) He should look after the installation of PA System whenever instructed plus any other work assigned by SSE/Tele/AII & higher ups.
- (ii) He should handover the all charge other than materials required for installation of PA System to SSE/Tele/AII or his representative as nominated by him.

As regards the duty mentioned at (ii), learned counsel for the applicant had submitted that all the duties assigned to the applicant had successfully been performed by him, as mentioned in para 4(i),(ii),(iii),(A),(B),(C),(D),(E),(F),(G),(H),(I),(J),(K),(L),(M),(N),(O), 4(iv),(vi),(vii),(xi),(xvi),(xvii),(xviii) & (xix) of the OA. Learned counsel for the applicant vehemently contended that the DRM had not considered the representation and self-appraisal report of the applicant before deciding the representation and he had passed a non-speaking order.

3. Notice of this OA was given to the respondents, who have contested the OA by filing the reply. Learned counsel for the

respondents vehemently argued that several opportunities were given to the applicant to improve his conduct and performance, as per Annexures R/3 to R/11. Thus, he has justified the adverse entries communicated to the applicant vide Ann.A/1.

4. In the counter, learned counsel for the applicant had invited attention of the Bench to para 4.11 of the rejoinder and submitted that reply to all the memos had been given and the adverse entries had been given without considering the reply filed by the applicant.

5. I have heard the rival submissions and perused the record. After perusal of the order of the DRM (Ann.A/2) I find that he had passed a cryptic order. Therefore, it is considered necessary to direct respondent No.2 to pass a detailed, speaking and well-reasoned order. For this purpose, the applicant is directed to submit a self-contained representation again to the DRM mentioning all the facts given in this OA alongwith his self-appraisal report given in the ACR, within a period of one month from the date of this order and respondent No.2 is directed to pass a reasoned and speaking order after considering the representation of the applicant as well as memos given by the reporting officer and also the reply^{tes} submitted to the memos by the applicant, already referred to in this order. The applicant will also be at liberty to approach this Tribunal again if he feels aggrieved by the order to be passed by respondent No.2 on his representation.

6. With these observations, the OA stands disposed of. No order as to costs.


(B.L. KHATRI)
MEMBER (A)