

CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH JAIPUR

ORDER SHEET

ORDERS OF THE TRIBUNAL

28.01.2009

OA No. 100/2007

Mr. C.B. Sharma, Counsel for applicant.  
Mr. N.C. Goyal, Counsel for respondents.

Heard learned counsel for the parties.

For the reasons dictated separately, the OA is disposed  
of .

(B.L.KHATRI)  
MEMBER (A)

AHQ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH

- Jaipur, this the 28<sup>th</sup> day of January, 2009

**ORIGINAL APPLICATION NO. 100/2007**

**CORAM:**

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

Nek Ram Verma son of Shri Nand Kishore aged about 52 years, resident of Chandra Ghata, Behind Mahawaton Ki Masjid, Ward No. 31, Kota and presently working as Office Superintendent Grade I, Wagon Repair Shop under Chief Works Manager, West Central Railway, Kota Division, Kota.

.....APPLICANT

(By Advocate: Mr. C.B. Sharma)

VERSUS

1. Union of India through General Manager, West Central Zone, West Central Railway, Jabalpur (MP).
2. Chief Personnel Officer, West Central Railway, West Central Zone, Jabalpur (MP).
3. Chief Works Manager, Wagon Repair Shop, West Central Railway, Kota Division, Kota.

.....RESPONDENTS

(By Advocate: Mr. N.C. Goyal)

**ORDER (ORAL)**

**PER HON'BLE MR. B.L. KHATRI**

This OA has been filed under Section 19 of the Administrative Tribunal's Act, 1985 against the letter dated 14.08.2006 (Annexure A/1) vide which the applicant has been informed by respondent no. 3 that after reviewing the work for the year 2005-2006 by the competent authority grading of average has been given. This average entry in the ACR was communicated vide letter dated 05.10.2005 (Annexure A/2). By way of this OA, the applicant has prayed for the following reliefs:-

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- "(i) That the respondents be directed to expunge adverse remarks communicated to the applicant with the letter dated 14.08.2006 and 05.10.2005 (Annexure A/1 and A/2) with all consequential benefits.
- (ii) That the respondents may be further directed to expunge adverse remarks for the year 2003-2004 by quashing letter dated 17.03.2005 (Annexure A/7) and letter dated 16.09.2004 (Annexure A/5) with all consequential benefits.
- (iii) Any other order/direction or relief may be granted in favour of the applicant which may be deemed just and proper under the facts and circumstances of this case.
- (iv) That the costs of this application may be awarded."

2. Brief facts of this case are that the applicant was initially appointed as Senior Clerk duly selected through Railway Recruitment Board on 03.10.1985 and further became Head Clerk in the year 1995 and Office Superintendent Grade II in the year 2000 and further Office Superintendent Grade I in the scale of Rs.6500-10500 on 18.12.2002 and since then continuously holding the post of Office Superintendent Grade I to the entire satisfaction of the respondents.

3. The applicant represented against the adverse marks communicated vide letter dated 16.09.2004 for the year 2003-2004 ending upto 31.03.2004 and without due consideration of representation of the applicant, respondent no.3 informed the applicant that competent authority stand good the adverse remarks vide letter dated 17.03.2005 (Annexure A/7). The applicant was further communicated similar remarks vide letter dated 05.10.2005 (Annexure A/2) against which applicant also represented on 08.11.2005 (Annexure A/8) and without due consideration of the representation of the applicant, respondent no. 3 informed vide letter dated 14.08.2006 (Annexure A/1) that competent authority took decision to stand good the adverse marks as communicated to the applicant.

4. After hearing the rival contentions of both the parties, I find that respondent no. 3 had not consideration the representation of the applicant, dated 08.11.2005 (Annexure A/8). Accordingly, Respondent

AY

no. 3 is hereby directed to pass a reasoned & speaking order after considering all the points raised by the applicant through this representation within a period of two months from the date of receipt of a copy of this order.

5. With these observations, the OA is disposed of with no order as to costs.

  
(B.L. KHATRI)  
MEMBER (A)

ahq