

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A./100/4206/2015
M.A./100/3816/2015

New Delhi, this the 7th day of May, 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

Suresh Kumar Azad,
Aged 62 years
S/o Shri Chatru Singh
(Ex Dy FA&CAO/C/JAT)
G.M., N. Rly. Hd Qrs Office
Baroda House,
New Delhi
Res:- B-605, Rail Vihar Alpha – I
Greater Noida (U.P.)Applicant

(Appeared in person)

Versus

Union of India, through

1. Secretary, Railway Board,
Ministry of Railway
Rail Bhawan, New Delhi
2. G.M. N. Railway
HQ Qrs Office, Baroda House
New Delhi ... Respondent

(Through Shri Rajinder Nischal, Advocate)

ORDER (Oral)

Justice L. Narasimha Reddy, Chairman

The applicant is an IRS officer of Indian Railways. For some time, he was on deputation to Konkan railways. He

retired from service on 31.05.2013, on attaining the age of superannuation.

2. The applicant made a claim that he was entitled to be placed in the Selection Grade with effect from 1.01.2012. On a consideration of his request, the Ministry of Railways passed an order dated 16.04.2013, stating that based on the evaluation of the performance, as reflected in the ACRs for the period March 2007 to March 2011 and other relevant factors, the DPC considered him not suitable for placement in Selection Grade. The said order is challenged in this OA.

3. The applicant contends that he was entitled to be considered for Selection Grade from 1.01.2012, and the ACR of the years 2007, 2008 and 2009 are liable to be ignored. It is also stated that though the adverse ACRs were required to be communicated to him long back, enabling him to make representation, they were communicated only on 29.05.2012, just before his retirement. Other grounds are also urged.

4. The respondents filed a counter affidavit. According to them, the denial of Selection Grade to the applicant was on appreciation and assessment of ACRs and performance of the applicant by the DPC. It is also mentioned that the applicant was issued a major penalty charge sheet.

5. We heard the applicant in person, and Shri Rajinder Nischal, for the respondents.

6. The applicant retired from service on 31.05.2013. His endeavour is to get the benefit of Selection Grade from 1.01.2012. Though in the impugned order it was stated that the DPC considered his case and found him not suitable for placement in Selection Grade, a substantial development has taken place during the pendency of the OA. Through order dated 25.08.2017, the respondents have placed the applicant in the Selection Grade with effect from 1.01.2013 with all consequential benefits. It reflects a substantial change in the circumstances as well as the attitude and approach of the respondents. If the applicant is of the view that he is entitled to be placed in the Selection Grade with effect from 1.01.2012, he can make a representation in this behalf. On receipt of such representation, the respondents shall be able to address the issue with reference to the latest developments taken place.

7. We, therefore, leave it open to the applicant to make a representation claiming the benefit of grant of Selection Grade from 1.01.2012. If such a representation is made, the respondents shall pass a speaking order thereon within two months from the date of its receipt. The OA is disposed of. There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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