

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16445 of 2016

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Ram Janam Ram (Senior Section Engineer, Works), son of Late Bal Chand Ram, Resident of Village- Chitauli Khurd, P.O.- Mustafabad, P.S.- Goreakothi, District- Siwan, Presently residing at - Railway Quarter No.- E/59A, Hardiya Chowk, E.C. Railway, Narkatiaganj, District- West Champaran.

.... Petitioner

Versus

1. The Union of India through the General Manager, East Central Railway, Hajipur, Vaishali.
2. The General Manager Engineering/ the Principal Chief Engineer, East Central Railway, Hajipur.
3. The General Manager Personnel/ the Chief Personnel Officer, East Central Railway, Hajipur, Vaishali.
4. The Chief Mechanical Engineer, East Central Railway, Hajipur, Vaishali.
5. The Additional Divisional Railway Manager -cum-'Competent Authority', East Central Railway, Samastipur.
6. The Divisional Railway Manager, East Central Railway, Samastipur.
7. The Senior Divisional Engineer (Co-ordination), East Central Railway, Samastipur.
8. V.K. Gupta, Assistant Engineer, Samastipur, presently posted as Divisional Engineer- III, Sonapur, Saran.
9. Subodh Kumar Sinha, son of Shri U.N. Sinha, posted as ADEN/ Colony East Central Railway, Mugalsarai.
10. Ramadhar Meena, son of Shri R.R. Meena, posted as AEM/TMC-II/PD East Central Railway, Mugalsarai.
11. Viresh Kumar Pandey, son of Shri A.K. Pandey, posted as ADEN/SEL East Central Railway, Dhanbad.
12. Dharmendra Kumar Singh, son of Shri Deen Bandhu Singh, posted as ADEN-II, East Central Railway, Dhanbad.
13. Sahadat Hussain, son of Shri Shri S. Hussain, posted as AEN/COM under CAO/C East Central Railway, Mahendru Ghat, Patna.
14. Anil Kumar Singh, son of Shri R.C. Singh, posted as ADEN, East Central Railway, LTR.
15. Keshav Singh, son of Shri R.R. Singh, posted as Asst. Engineer/TMC-I/PD, East Central Railway, Mugalsarai.
16. Anil Kumar Dubey, son of Shri D.D. Dubey, posted as Asst. Engineer/Construction under CAO/C, East Central Railway, Majendru Ghat.
17. Nagendra Kumar Upadhyay, son of Shri J. Upadhyay, Asst. Divisional Engineer/Hq, East Central Railway, Sonpur.
18. Shawesh Dutt Jha, son of Shri G.N. Jha, posted as Asst. Engineer/Construction under CAO, East Central Railway, Majendru Ghat.
19. Jaswant Singh, son of Shri P. Singh, posted as Asst. Inspecting Engineer, East Central Railway, Sonpur.
20. Diwakar Prasad Vidyarthi, son of Shri C.K. Jha, posted as ATEN, East Central Railway, Samastipur.
21. Ram Briksha Prasad, son of Shri Ram Jatan, posted as Asst. Divisional Engineer, East Central Railway, West Barauni.
22. Tarkeshwar Sonewa, son of Shri J.R. Sonewal, posted as Asst. Divisional Engineer, East Central Railway, Narkatiaganj.



23. Vivekanand Bharti, son of Shri A. Mehta, posted as Asst. Divisional Engineer,
East Central Railway, Dehri on Sone.

.... Respondents

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Appearance :

For the Petitioner : Mr. Sanjay Kumar Pandey No-5, Advocate
For the Railways : Mr. Amaresh Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 18-03-2017

Heard counsel for the petitioner and counsel for the
respondent Railways. Perused the order dated 23.05.2016, passed by
the Central Administrative Tribunal, Panta Bench, Patna in OA
309/2016 and MA 257/2016.

OA was dismissed by the Tribunal on two counts :-

(i) That there was delay in filing the OA of more than
two years and the only explanation offered was that he was filing
repeated representations.

(ii) The second aspect, which has been noted by the
Tribunal in rejecting the OA, is that a judicial forum or authority has
no power to reconsider, rewrite or upgrade any recording in the ACR
of a Government servant.

In the opinion of this Court, both the reasons are cogent
and valid reasons. So far as representations are concerned, Hon'ble
Apex Court has already held that repeated representations are not
answer for not asserting one's right at the opportune moment and



secondly, it is not the duty of the Court to re-appraise ACRs of an employee because assessment of the work of an employee is best judged by the employer or the superior authorities.

This Court has also gone through the various ACRs and the entries made therein, which have been brought on record. The petitioner has been held to be average or below average officers over a period of time from 2000 to 2003. We are in agreement to the extent that with such entries with regard to his competence and efficiency a right to be given promotion cannot be demanded as a matter of course, especially when such promotions are required to be given on comparative assessments of the performance of such employees and not mere passing of the departmental examination.

The order of the Tribunal, therefore, is not required to be interfered with. Writ is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Rajesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.03.2017
Transmission Date	NA

