

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 11.04.2017
Delivered on : 26.04.2017

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HON'BLE MR.JUSTICE M.V.MURALIDARAN

W.P.Nos.38015 of 2016 and
W.M.P.No.32599 of 2016

Union of India. Rep. By
The Secretary (Establishment),
Railway Board, Ministry of Railways,
Rail Bhavan, New Delhi 110 001. ...Petitioner

vs.

1. The Registrar,
Central Administrative Tribunal,
Madras Bench, Chennai - 600 104.

2. A.Jagannathan ...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorari, call for the entire records of the 1st respondent culminating in Order dated 03.09.2015 passed in O.A.No.851/2013 and quash the same.

For Petitioner : Mr.V.Haribabu

For Respondents : R1 Tribunal
R2 - No appearance

सतयमेव जयते
O R D E R
K.K. SASIDHARAN, J.

This writ petition is directed against the order dated 3 September, 2015 in O.A.No.851 of 2013 on the file of the Madras Bench of the Central Administrative Tribunal (for short "Tribunal") , directing the petitioner to place the case of the second respondent before the Review Departmental Promotion Committee (DPC) and consider the question of advancing the date of his promotion and for other incidental reliefs.

2. We have heard the learned counsel for the Railways. None appeared for the second respondent.

3. The second respondent was appointed as Group C employee in the Southern Railway. He was promoted to the post of Assistant Engineer on 18 June, 1990. He was further promoted to Senior Scale (Executive Engineer) on 23 February, 1996.

4. The second respondent was not considered for promotion to the post of Junior Administrative Grade along with other officers of his batch on account of the 'Average' grading in the Annual Confidential Report (ACR) for the years 2004-2005 and 2005-2006. The second respondent submitted representation before the competent authority to revise the benchmark. Accordingly, he was upgraded as 'Good' and fresh Assessment was given as 'Fit' by the competent authority. The second respondent, therefore, submitted representation to give him promotion for the year 2004-2005 and 2005-2006. His request was rejected. The said order was challenged before the Tribunal.

5. The Tribunal found that benchmark was upgraded as 'Good' and Assessment as "Fit" by the competent Authority. The Tribunal, therefore, directed the petitioner to place the case of the second respondent before the Review DPC.

6. The issue raised in this writ petition is no longer res integra, in view of the decision of the Hon'ble Supreme Court in Dev Dutt v. Union of India and others [(2008) 8 SCC 725]

7. There is no dispute that there was revision of the grade as well as assessment of the second respondent by the competent authority. The second respondent, was therefore, perfectly correct in his contention that the review DPC ought to have considered his case for promotion taking into account the promotion given to the other officers of his batch. We are therefore of the view that the Tribunal was correct in directing the petitioner to consider the case of the second respondent.

8. In the up shot, we dismiss the writ petition. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

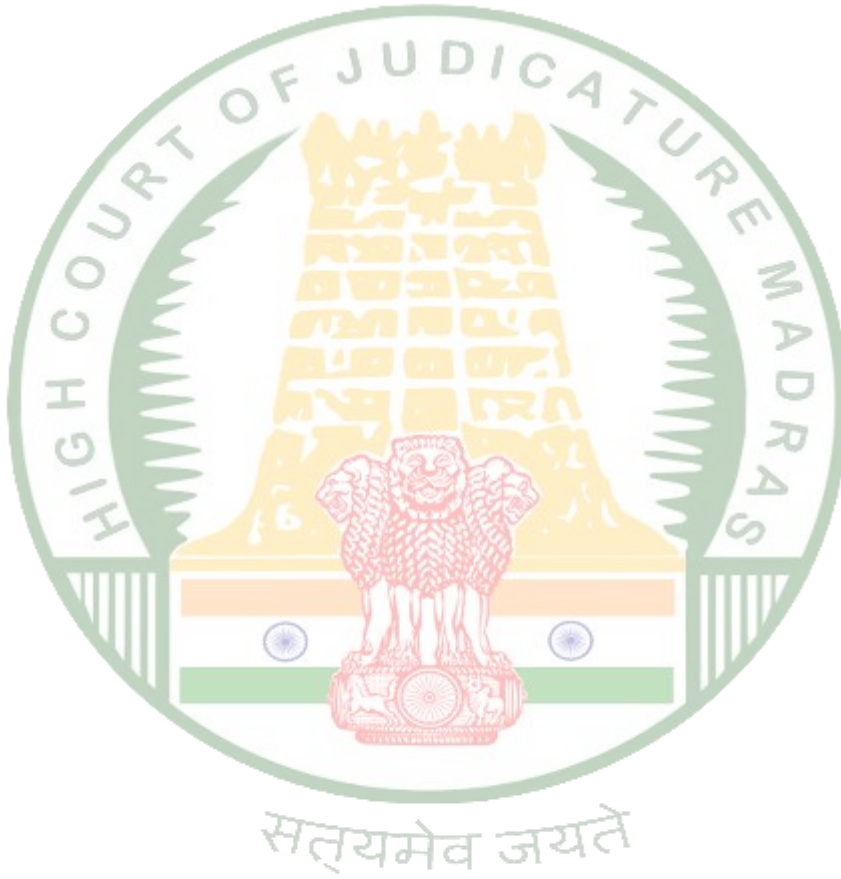
To

The Registrar,
Central Administrative Tribunal,
Madras Bench, Chennai - 600 104.

+1 CC to Mr.V. Haribabu, Advocate sr 25088

W.P.No.38015 of 2016

SR (CO)
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