

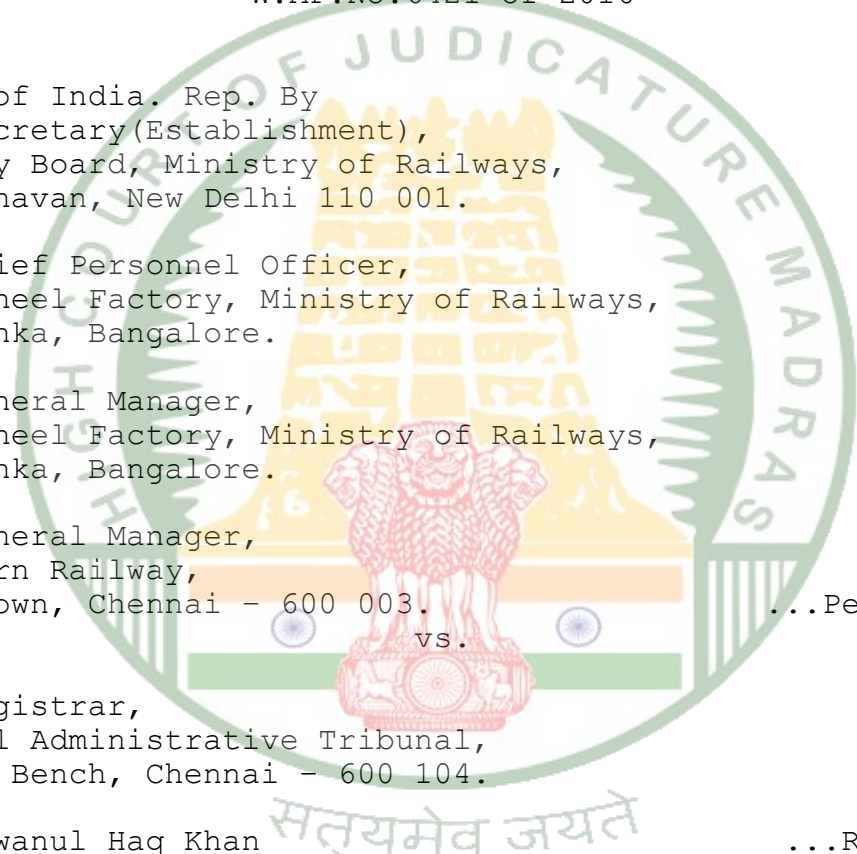
IN THE HIGH COURT OF JUDICATURE AT MADRAS

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.No.7225 of 2016 and
W.MP.No.6421 of 2016

- 
1. Union of India. Rep. By
The Secretary (Establishment),
Railway Board, Ministry of Railways,
Rail Bhavan, New Delhi 110 001.
 2. The Chief Personnel Officer,
Rail Wheel Factory, Ministry of Railways,
Yelahanka, Bangalore.
 3. The General Manager,
Rail Wheel Factory, Ministry of Railways,
Yelahanka, Bangalore.
 4. The General Manager,
Southern Railway,
Park Town, Chennai - 600 003.Petitioners
- vs.
1. The Registrar,
Central Administrative Tribunal,
Madras Bench, Chennai - 600 104.
 2. Mr.Rizwanul Haq Khan ...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 in O.A.No.623 of 2012 including the order dated 20.06.2014 and quash the same.

For Petitioner : Mr.V.G.Suresh Kumar

For Respondents : R1 Tribunal
Mr.Karthik Rajan
for M/s.Menon Karthik for R2

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

This writ petition is directed against the order dated 20 June, 2014 in O.A.No.623 of 2012 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 placing him in Selection Grade with effect from 1 January, 2009 and for other incidental reliefs.

2. We have heard the learned counsel for the Railways. We have also heard the learned counsel for the second respondent.

3. The second respondent was appointed by the Railways on 28 April 1997. He was promoted to the post of Senior Scale and then further promoted to Junior Administrative Scale with effect from 11 October, 2005. He was found by the Railway Board DPC unfit for placement in Selection Grade. The non-selection was on account of his grading recorded in the Annual Confidential Report (ACR). Subsequently, the second respondent submitted representation before the competent authority to revise the benchmark. Accordingly, he was upgraded as 'Very Good' and fresh Assessment was given as 'Fit'. The second respondent, therefore made a request to the Railways to conduct Review DPC and place him in Selection Grade with effect from 1 January 2009. His request was rejected. The said order was challenged before the Tribunal.

4. The Tribunal found that benchmark was upgraded as 'Very 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.

5. 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].

6. 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 Selection Grade taking into account the Selection Grade 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.

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

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

True Copy

Sub-Assistant Registrar

To

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

+1 CC to Mr.V.G. Suresh Kumar, Advocate sr 26192(10/07/2017)

W.P.No.7225 of 2016

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