

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/020/456/2022

HYDERABAD, this the 15th day of July, 2022



Hon'ble Mr. K.V. Eapen, Admn. Member

K.V. Hari Krishna,
S/o. K. Koteswara Rao,,
Aged about 36 years,
Occ: Deputy Chief Electrical Engineer,
R/o. Room No.RE/04, Officer rest house (Near rail gate),
Railway Electrification,
NV Area, Maligaon, Guwahati – 781 011.

...Applicant

(By advocate : Sri B. Vivekananda)

Vs.

1. The Union of India rep. by
The Secretary, Ministry of Railways,
Rail Bhawan, Raisina Road,
New Delhi – 110 001.
2. Secretary, Railway board,
Ministry of Railways,
Rail Bhawan, Raisina Road,
New Delhi – 110 001.
3. General Manager,
South Central Railway,
Rail Nilayam, Sarojini Devi Road,
Secunderabad, Telangana – 500 025.

... Respondents

(By Advocate: Sri B. Gayatri Varma, Sr. CGSC)

ORAL ORDER
(As per Hon'ble Mr. K.V. Eapen, Admn. Member)

The OA is filed seeking the following reliefs:



“.....direct the respondents to consider the representations dated 10.05.2019, 29.08.2019, 28.10.2020, 21.06.2021, 04.04.2022 & 02.05.2022, submitted by the applicant in respect of non-grant of promotion to the post of Junior Administrative Grade (on regular basis along with original batch mates) seeking to consider applicant's original seniority in granting promotion for the post of Junior of Administrative Grade on regular basis along with original batch mates in accordance with law on and

ii. pass such other and further order or orders as are deemed fit and proper by this Hon'ble Tribunal under the circumstances of the case.”

2. The brief facts of the case are that the applicant has joined the Indian Railway Service of Electrical Engineers (IRSEE) on 09.04.2011. He has secured All India Rank No.3 in ESE (Engineering Services Examination – 2009) in “Electrical” branch. He is currently working as Deputy Chief Electrical Engineer in Railway Electrification Organization at Guwahati (Dy. CEE/RE/GHY). Prior to joining Railways, the applicant worked as Chip Designer in the prestigious Chandrayaan-2 Project. The applicant has also secured All India Rank No.1 in prestigious GATE (Graduate Aptitude Test in Engineering)-2006 and All India Rank-3 in prestigious ESE (Engineering Services Examination)-2009.

3. It is submitted that in respect of promotion to different administrative grades, a notification dated 15.05.87 was issued by Secretary Railway Board, New Delhi providing information and guidance for the process of

promotion/deputation/training of the working employees. Every employee is to be graded on the basis of the said criterion as follows:

Classification	Outstanding	Very Good	Good	Good/Not fit	Average	Below Average
Points	5	4	3	2.5	2	1



However, the Ministry of Railways released a notification dated 21.07.2017 which contained the procedure adopted for filing online ACR, which shall also be applicable to officers in the post of JAG and above working in Railway department to evaluate their career progression. It is further submitted that as per the above notification, the classification for the promotion has been changed to a numerical grading system on a scale of 1 to 10. For promotion to the post of JAG the bench mark will be ‘Good Plus.’ A minimum grading of GOOD is required in all the preceding five years from the date of promotion.

4. As per the previous grading format for the year 2015-2016, the applicant was graded with “Average” which is considered as Zero as per the new grading format and it affected the applicant’s promotion. The Senior Divisional Electrical Engineer, who was the reporting authority evaluated the applicant’s performance and graded him as “Average” in the ACR for the year 2015-2016. The said ACR was again re-evaluated by Reviewing authority i.e. Divisional Railway Manager Vijayawada (DRM/BZA) and graded the applicant’s performance as “Good”. The Reporting Reviewing Authorities remained unchanged for the years 2015-2016 & 2016 & 2017 and awarded “Average” grade for the year 2015-2016 & “Outstanding” grade for the year 2016-2017. Because of the said



negative report, the applicant's overall performance graph line for the preceding five years has drastically come down and thereby, he was not considered for the promotion along with his original batch mates. As a result of certain negative remarks in the ACR of 2015-2016, he lost seniority of two (2) years. Non-consideration for the post of JAG on regular basis along with original batch mates affects the applicant's career in several ways. He has made several representations dated 10.05.2019, 29.08.2019, 28.10.2020, 21.06.2021, 04.04.2022 & 02.05.2022 to the respondents in this regard, which are still pending.

5. Heard Sri B. Vivekananda, learned counsel for the applicant and Smt. B. Gayatri Varma, learned Senior Standing Counsel for the respondents.

6. In view of the fact that the representations made by the applicant are lying pending with the respondents, the O.A. is disposed of with a direction to the competent authority i.e General Manager, South Central Railway, Secunderabad to consider the applicant's representations dated 10.05.2019, 29.08.2019, 28.10.2020, 21.06.2021, 04.04.2022 & 02.05.2022, take a decision thereon and pass a reasoned and speaking order within a period of two months from the date of receipt of a copy of the order.

7. With the above observation, the OA is disposed of at admission stage itself. It is made clear that the merits of the case have not been gone into. There shall be no order as to costs.

(K.V. EAPEN)
ADMINISTRATIVE MEMBER

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