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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

O.A. NO.2641/2001

This the 21st day of March, 2002.

HON<sup>BLE</sup> SHRI V.K.MAJOTRA, MEMBER (A)

HON<sup>BLE</sup> SHRI KULDIP SINGH, MEMBER (J)

Karan Sayal,  
Director (Vig-PG),  
Department of Posts,  
Dak Bhawan, New Delhi-110001. ... Applicant

( By Shri M.L.Chawla with Shri P.P.Relhan, Advocate )

-versus-

1. Union of India through  
Secretary, Department of Posts,  
Dak Bhawan, New Delhi-110001.
2. Secretary,  
Department of Personnel & Training,  
Govt. of India, North Block,  
New Delhi.
3. Union Public Service Commission  
through its Chairman,  
Dholpur House,  
New Delhi-110011. ... Respondents

( By Shri R.N.Singh, Advocate )

O R D E R (ORAL)

Hon<sup>ble</sup> Shri V.K.Majotra, Member (A) :

Applicant has challenged the following orders :

- 1) Annexure A-1 dated 26.3.2001 whereby 21 officers of the Indian Postal Service Group-A have been promoted from Junior Administrative Grade (JAG) to Senior Administrative Grade (SAG) in the pay scale of Rs.18400-22400 by-passing applicant, who is senior to the promoted officers; and

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- 2) Annexure A-2 dated 7.8.1998 whereby 12 officers including five juniors to applicant were promoted to the SAG.

Applicant has sought direction to respondents to hold a review DPC in respect of applicant by ignoring entries made in his ACRs below the benchmark "very good" but not conveyed to him. He has also sought consequential benefits, such as fixation of his pay on par with the juniors promoted to SAG.

2. Learned counsel of applicant, Shri M.L.Chawla, relied on order dated 12.11.2001 in OA No.1936/2001, R.K.anand v. Union of India & Ors., upheld by the High Court of Delhi in CWP No.1386/2002, Union of India & Ors. v. R.K.Anand. Learned counsel also cited order dated 10.10.2000 in OA No.523/1998, Kalyanesh Kumar Bajpai v. Union of India & Ors. (Lucknow Bench) in support of applicant's claim.

3. Learned counsel stated that applicant had not been communicated any remarks in his ACRs which were below the benchmark "very good" for the relevant period when he was considered for promotion to SAG in the years 1998 and 2001.

4. Learned counsel of respondents, Shri R.N.Singh, stated that on the basis of performance in service during the preceding eight years as assessed by the DPC, applicant could not make the grade. As regards

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applicant's non-promotion to SAG in the years 1996-97 and 1997-98, learned counsel of respondents stated that applicant had made a representation on 27.3.1998 (Annexure A-5), which was rejected by Annexure A-6 dated 19.2.1999. Learned counsel stated that applicant did not challenge Annexure A-6 in which he was communicated his rejection for promotion in the DPC held on 17/18.2.1998. Learned counsel maintained that so far as challenge to his non-selection in the DPC held on 17/18.2.1998 is concerned, present OA is time barred having not been made within the time limit in law.

5. So far as applicant's challenge to Annexure A-1 dated 26.3.2001 is concerned, applicant is stated to have made representation against the same on 2.5.2001. Learned counsel of respondents stated that applicant filed the present OA on 1.10.2001, before expiry of six months after filing the representation dated 2.5.2001, which means that the OA has been filed prematurely.


6. In view of the fact that whereas applicant had not challenged Annexure A-6 dated 19.2.1999 whereby his representation dated 27.3.1998 was rejected against his non-selection to SAG by the DPC held on 17/18.1998, his claim to challenge through this OA his non-selection in the aforesaid DPC cannot be accepted having been time barred. Further, as regards his challenge to Annexure A-1 dated 26.3.2001, applicant has admittedly made representation against the same on 2.5.2001 (Annexure A-7) and has approached this Tribunal prematurely on 1.10.2001, while the representation was under

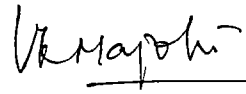
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consideration of respondents. In this view of the matter, applicant's challenge to Annexure A-1 can also not be entertained being premature. In this background it is not necessary to go into the ACRs of applicant for the relevant periods and also consider his claim for promotion to SAG at present on the basis of the judgments cited on behalf of applicant.

7. In the facts and circumstances of the case as discussed above, no interference is called for at this stage. However, in the interest of justice, respondents are directed to dispose of applicant's representation dated 2.5.2001 against Annexure A-1 dated 26.3.2001, within a period of two months of communication of these orders, by passing a reasoned and speaking order. Ordered accordingly.

8. The OA is disposed of in the aforestated terms. No costs.

  
( Kuldip Singh )  
Member (J)

  
( V. K. Majotra )  
Member (A)

/as/