

Central Administrative Tribunal  
Principal Bench: New Delhi

OA No.203/96

New Delhi this the 22nd day of August 1996.

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)  
Hon'ble Mr K.Muthukumar, Member (A)

Sh. Daya Nand  
S/o Sh. Phool Chand  
Working as Dy Postmaster  
(HSG-II) Hisar - 125 001 (Haryana) ...Applicant  
(By Advocate: Sh.O.P.Khokha)

Versus

1. Ministry of Communication  
Dept. of Posts  
New Delhi - 110 001.
2. Director General  
Posts & Telegraphs  
Ministry of Communication  
Sansad Marg  
New Delhi - 110 001.
3. Chief Post Master General  
Haryana Circle,  
Ambala - 131 001 (Haryana) ..Respondents.

(By Advocate:Sh. M.M.Sudan)

O R D E R (Oral)

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)

The applicant, a Deputy Postmaster (HSG-II) is aggrieved by the fact that just for the reason that there was a censure awarded to him in the year 1993-94, he has been denied ad-hoc promotion to the grade of HSG-I w.e.f. 10.11.94 while his juniors were promoted. He is further aggrieved by the fact that even on the next occasion when several of his juniors were promoted by order dated 28.12.95, he has been denied ad-hoc promotion. Therefore, the applicant has

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filed this application praying that the respondents may be directed to give him ad-hoc promotion with effect from the due date.

2. The respondents seek to support their action of denying ad-hoc promotion to the applicant on the ground that the applicant was not found suitable for adhoc promotion though considered by the competent authority in accordance with the rules and instructions in regard to ad-hoc promotion.

3. We had, with a view to satisfy our judicial consciousness that there had been a fair consideration of the case for grant of ad-hoc promotion, directed the respondents to make available for our perusal the file which shows the consideration of the applicant for ad-hoc promotion alongwith his juniors on both occasions as also the ACR Dossiers of the applicant. Learned counsel for the respondents made available for our perusal the said records.

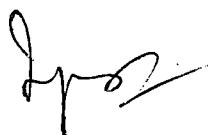
4. We have heard the learned counsel Sh. O.P.Khokha for the applicant and Sh. M.M.Sudan for the respondents. Shri Khokha referred to a ruling in A.K.Sahu Vs. UOI & Others reported in ATR 1992 (2) CAT 480 wherein it has been held that a censure shall not stand in the way of ad-hoc promotion. He also referred to a ruling of Ernakulam Bench of CAT in M.P.Joseph Vs. UOI in which it has been held that a penalty of censure should not be put up as a reason for denying ad-hoc promotion and even if there is a censure, the employee should be promoted in his turn on ad-hoc basis. Though censure should not stand in the way of promotion while considering an employee

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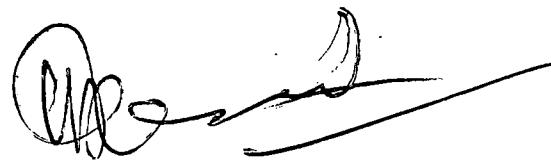
for ad-hoc promotion, the competent authority shall see the entire profile of the officer, his ACR and his suitability to shoulder responsibilities of a higher post. Having perused the ACR Dossiers of the applicant, we find that in the year 1994, there was a remark that the applicant was censured for showing negligence in his supervisory functions. Therefore, when he was considered for ad-hoc promotion in the year 1994, the competent authority did not find him suitable to shoulder the responsibilities of a Supervisory post of higher degree. Therefore, we are not in a position to fault the action of the respondents in denying ad-hoc promotion to the applicant while his juniors were so promoted w.e.f. 10.11.94 but on a perusal of the ACR of the applicant for the year 1994-95, we find that he has been graded good and his work and conduct has been appreciated and there was nothing adverse. When the competent authority considered his case alongwith others in the year 1995, there could not have been anything which stood in the way of his ad-hoc promotion though there was a censure awarded to him in the year 1993-94. Since the applicant had shown betterment in his performance and there was nothing adverse noted by the reporting officer as also the reviewing officer, the action on the part of the respondents in denying ad-hoc promotion to the applicant w.e.f. 28.12.95 alongwith his juniors cannot be sustained.

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5. In the result, in the light of what is stated above, we dispose of this application with a direction to the respondents to grant the applicant ad-hoc promotion as HSG-I w.e.f. 28.12.95 the date on which his juniors were so promoted, if he has not been promoted from earlier date, with consequential benefits, within a period of 2 months from the date of receipt of this order.



(K. Muthukumar)  
Member (A)



(A.V. Haridasan)  
Vice Chairman (J)

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