

(5)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. No. 1456/94

New Delhi, this the 2nd day of January'1995.

Hon'ble Sh. N.V.Krishnan, Vice-Chairman (A)

Hon'ble Dr.A.Vedavalli, Member (J)

Shri Jagdish Sharma
S/o Shri Paras Ram Sharma
Postal Assistant,
Ashok Vihar Post Office (Delhi)
R/o 285/D-16, Sector-3, Rohini,
DELHI- 110 085.

By Advocate Sh. R.Dayal

.....Applicant

Versus

1. Union of India
through Secretary,
Ministry of Communication,
Department of Posts,
Dak Tar Bhawan,
Parliament Street,
NEW DELHI-110 001.
2. Chief Postmaster General
Delhi Circle, Meghdoot Bhawan,
NEW DELHI- 110 001.

.....Respondents

By Advocate Sh. M.K.Gupta

ORDER (Oral)

Hon'ble Shri N.V.Krishnan

We have heard the learned counsel for the parties, applicant has been given promotion only from 1-4-86 although he was entitled to get promotion atleast from 1-11-84 or 1-5-85. That is the grievance.

2. The facts may be stated. The applicant completed 16 years of service on 1-11-84 and had become ^{due} for promotion in accordance with the Time Bound one promotion Scheme on that date. Disciplinary proceedings were initiated against him on 26-4-84 ^{and} by the order dt. 24-5-84, the penalty of stoppage of the next increment of the applicant for six months, without any cumulative effect, was imposed. The next increment fell, due on 1-11-84. Therefore, the penalty was current till 1-5-85.

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3. A DPC was held on 16-1-86 which, according to the respondents, considered the names of all those people who were eligible for promotion as on 30-1-85 only. As the applicant was suffering the penalty on that date, he was not eligible for promotion.

4. A subsequent DPC meeting was held on 8-9-86. The applicant's case was considered and he was promoted w.e.f. 1-4-86.

5. It is ^{clear} ~~order~~ that the earliest date from which the applicant could have been considered for promotion is only 1-5-85 after the penalty had been suffered fully. He could not, rightly, too, have been promoted from 1.11.84, when he was suffering the penalty. The respondents have not been able to explain why he was not promoted from 1-5-85 on the basis of the ^{second} ~~memo~~ DPC recommendation.

6. The Ld. Counsel for the respondents, however, states that the OA has been filed only in 1994 whereas the order granting promotion from 1-4-86 was ^{issued} ~~instead~~ of as early as on 21-10-86. The relief sought by him for an earlier date of promotion is, therefore ^{stale} ~~stated~~.

7. We notice that the applicant has produced only a copy of a representation made as late as on 25.5.93 (Annexure-4), ^{and for} that, for promotion from 1-11-94. This was disposed by the impugned Annexure A-5 order dated 10-11-93 which clarified why he could not be promoted from 1.11.94 viz; that he was suffering a penalty. We can not find any fault with that reply. Therefore, the prayer as made in the OA can not be granted viz that promotion be granted from 1.11.84.

8. It is only during the course of the arguments that the learned counsel pointed out that he could have been promoted atleast from 1.5.85 after the penalty had been suffered. The applicant did not make any such representation to the respondents for their consideration, not even in the belated representation at Annexure A-4.

9. In the circumstance, we find no merit in this OA. It is dismissed.

A. K. Veda Valli
(DR. A. VEDAVALLI)
Member (J)

N. V. Krishnan
2.1.95
(N. V. KRISHNAN)
Vice-Chairman (A)

cc.