

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 1398/1988.
T.A. No.

199

DATE OF DECISION 17.9.1991.

All India R.M.S. Asstt. Supdts. Petitioner(s)
& Inspectors Association & AIF.

Shri Sant Lal Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondents

Shri P.P. Khurana, Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. Justice Amitav Banerji, Chairman.

The Hon'ble Mr. I.K. Rasgotra, Member (A).

1. Whether Reporters of local papers may be allowed to see the Judgement? ✓
2. To be referred to the Reporter or not? No.
3. Whether their Lordships wish to see the fair copy of the Judgement? ✓
4. Whether it needs to be circulated to other Benches of the Tribunal? ✓


 (Amitav Banerji)
 Chairman
 17.9.1991.

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

REGN. NO. O.A. 1398/88.

DATE OF DECISION: September 17, 1991

All India R.M.S. Asstt. Supdts.
& Inspectors Association and
anr.

... Applicants.

Versus

Union of India & Ors.

... Respondents.

CORAM: THE HON'BLE MR. JUSTICE AMITAV BANERJI, CHAIRMAN.
THE HON'BLE MR. I.K. RASGOTRA, MEMBER(A).

For the Applicants.

... Shri Sant Lal,
Counsel.

For the Respondents.

... Shri P.P. Khurana,
Counsel.

(Judgement of the Bench delivered by
Hon'ble Mr. Justice Amitav Banerji,
Chairman)

This O.A. has been filed on behalf of an Association comprising of Assistant Superintendents and Inspectors of R.M.S. who are seeking upgradation of certain posts to the scale of Higher Selection Grade-I (H.S.G.-I) (pre-revised scale 700-900 and revised scale 2000-3200) to provide avenue of promotion to HSG-I for the Inspectors and Asstt. Supdts. of R.M.S. on the principle of equality with their counter parts in the Post Offices and the General Line staff on the other, as recommended by the Cadre Management Committee of Inspectors and Assistants Supdts. R.M.S.

It is stated in the O.A. that the Inspectors of Post Offices and R.M.S. in the pay scale of Rs.1400-2300 have the avenue of promotion to the cadre of Asstt. Supdts. in the pay scale of Rs.1640-2900 by seniority-cum-fitness.

Similarly, Lower Selection Grade General Line staff in the Post Offices and R.M.S. in the pay scale of Rs.1400-2300 have the avenue of promotion to Higher Selection Grade-II in the pay scale of Rs.1600-2600 by seniority-cum-fitness. Both the Asst. Supdts. and the General Line HSG-II staff in the Post Offices have further avenue of promotion to HSG-I in the pay scale of Rs.2000-3200 by seniority-cum-fitness. The applicants, however, claim that this avenue of promotion is not available to them.

The applicants Association pleaded their case for providing middle level avenue of promotion to the HSG-I for the Asst. Supdts. RMS, before the Cadre Management Committee (C.M.C.) which found the demand to be quite reasonable and justified. The C.M.C. made the recommendation for upgradation of 27 posts of Asstt. Supdts. and 16 posts of Inspectors R.M.S. to HSG-I. No decision has been arrived at by the Government, although a period of more than two years has elapsed. The matter was included in the Agenda of the periodical meeting with the Chairman of the Postal Services Board for implementation of recommendation of C.M.C. for R.M.S. Inspectors and Asstt. Supdts. The above meeting was held on 4.1.1988 and in item No. 10 the resolution was "Immediate implementation of recommendation of career management committee for IRMS/ASRMS". The association was also informed that their views in this respect had been noted and the matter would be expedited. The applicants further stated that nothing has happened in this regard in spite of the above assurance. The applicants have made representations to the Chairman Postal Services Board

and a reply was sent that the views have been noted and the matter would be expedited.

The applicants have prayed for a direction to finalise this matter and issue necessary orders to implement the recommendations of the Committee for upgrading 43 posts to HSG-I; to grant consequential relief of promotion to the eligible officials to the upgraded posts from the due dates; and award costs.

A reply has been filed in which it is stated that the matter is under examination. Para 9(C) to (D) may be reproduced:

"The respondents have been processing this recommendation of the Cadre Management Committee and it was finalising its decision in this case. By the time, the merger of these two cadres was agreed to, it was felt that there is no need to take decision in this case, since once the merger of these cadres takes place, the merged-cadres rules and promotional avenues will govern the IRMS/ASRMs also".

In para 9(E), the reply of the respondents was as follows:

"The proposal to sanction HSG-I posts to the IRMs/ASRMs cadres through simultaneous reduction of some IRMs posts was being examined".

The matter came up before us on 21.2.91 when the learned counsel for the parties were heard. We observed:

"The contents of paragraph 9(C) in the written statement on behalf of the respondents indicate that the matter is to be finalised by the respondents. This written statement was filed on 9.1.89 and more than two years have passed and it appears that the matter has not yet been finalised. We, therefore, direct that this matter, which has been pending for quite some time, should be decided at the earliest. We further direct this matter to come up before us on 13.5.91 and the respondents may dispose of the matter pending before

them by 1st of May, 1991, so that if there is something to be raised by way of objections, applicant may do so by that time".

The matter again came up on 8.7.91 after several adjournments when we noticed that nothing has been done and Shri P.P. Khurana, learned counsel for the respondents, prayed for three month's time. But we granted only one month to the Govt. to consider and finalise the matter. The matter was thereafter adjourned six times, and came up for hearing on 4.9.1991. On that date, Shri P.P. Khurana, learned counsel for the respondents candidly stated that he had informed the Govt. duly about our orders but he has not heard anything from them. Shri Khurana sought further time, but we indicated that we are not inclined to grant any further time as we have given sufficient time to the respondents. We, therefore, proceeded to dispose of the matter on the basis of pleadings of the parties and arguments of their learned counsel.

There is no dispute that there is no avenue of promotion for the Asstt. Supdts. and Inspectors of the R.M.S. It is also not in dispute that the Cadre Management Committee considered the matter and made the recommendation for upgradation of 27 posts of Asstt. Supdts. and 16 posts of Inspectors R.M.S. to HSG-I. The recommendations are pending before the Government since 4.1.1988 and have not been decided for the last 3½ years. Ample time and opportunities have been given to the Govt. to decide the matter. It is well established that every employee must have at least adequate opportunity of being promoted to a higher grade/rank. There

is no dispute that as far as Asstt. Supdts. and Inspectors of R.M.S. are concerned, they have no intermediate avenue of promotion, although the Inspectors working in the Post Offices admittedly have such avenue of promotion. We are of the view that the work which the Asstt. Supdts. of the R.M.S. and Inspectors of R.M.S. perform is more or less in the same nature as is being done by their counter parts in the Post Offices. If the latter can be provided higher pay scale, we do not see any reason why a similar avenue of promotion should not be made available for the applicants in this O.A.

It is stated and not disputed that 27 posts of Asstt. Supdts. and 16 posts of Inspectors R.M.S. were recommended for upgradation to the HSG-I grade. We are of the view that the applicants must be provided with an avenue of promotion to HSG-I and at least 43 places must be created, if not existing, to provide for an avenue of promotion to the applicants. We, therefore, direct the respondents to finalise on the recommendations by the C.M.C. to upgrade 27 posts of Asstt. Supdts. and 16 posts of Inspectors of R.M.S. to HSG-I and to order consequent promotions to the upgraded posts of HSG-I within a period of three months from the date of service of a copy of the order on the respondents. We further direct that the promotion of Inspectors/Asstt. Supdts so ordered to the upgraded posts i.e. H.S.G.-I will be given effect to from 1.8.1988 on notional basis and with actual benefit from 1.9.1990.

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This is a fit case in which we ought to allow costs, because the matter has been held indefinitely by the respondents and even after repeated opportunities for settling the matter. We award a cost of Rs. 500/- (Rupees five hundred only). We order accordingly.

I.K. Rasgotra
(I.K. RASGOTRA)
MEMBER(A)

Ab
(AMITAV BANERJI)
CHAIRMAN

17.9.91

17.9.91

'SRD'