

(12)

Central Administrative Tribunal  
Principal Bench: New Delhi

OA No.928/88

New Delhi this the 23rd Day of May, 1994.

Sh. N.V. Krishnan, Vice-Chairman (A)  
Sh. B.S. Hegde, Member (J)

All India Association of  
Inspectors and Assistant Supdts.  
of Post Offices, through Sh. I.R.  
Prabhu, General Secretary,  
O/O the Senior Supdt. of Post  
Offices, Bangalore West Divn.  
Bangalore-10.

C/o Sh. Sant Lal Advocate,  
C-21(B) New Multan Nagar,  
Delhi-56.

...Applicants

(By Advocate Shri Sant Lal)

Versus

The Union of India through  
the Secretary/Director General,  
Department of Posts,  
Dak Bhawan, New Delhi.

...Respondents

(None for the respondents)

ORDER

Mr. B.S. Hegde:-

The first applicant is the All India Association of Inspectors and Assistant Superintendent of Post Offices. The second applicant is the General Secretary of the Association and claims to be a person affected by the impugned orders.

2. The grievance of the applicants is in respect of the "Department of Posts, Postal Superintendent/Post Master Group 'B' Recruitment Rules, 1987" notified on 11.3.88 (Annexure A-1). These Rules have come into force from the date of their publication in the official gazette. By these rules - 'Revised 1987 Rules' for short-the cadre of Postal Superintendents (Group 'B') - to which promotions used to be made only from the grade of Inspectors

*fxm*

of Post Offices and Assistant Superintendent of R.M.S. - was merged with the cadre of Post Master (Group B) which is mostly filled up by persons from the Inspector line and partly by persons in the General line. The grievances of the applicants flow out of this merger. The purpose of this merger has been explained in the impugned Annexure A-2 letter dated 17.3.88, addressed by the respondents to all concerned authorities. That letter reads as under:-

"I am directed to say that it has been decided to merge the cadres of Postal Superintendent Service and Postmaster Service Group 'B' and accordingly the revised rules of recruitment incorporating the merger of these two cadres have been issued.

With the merger of these two grades it would be possible for all Heads of Circles to interchange officers between PSS and PMS Group 'B' posts. It is hoped that this would give more flexibility to the Heads of Circles which would ultimately help in achieving the targets and improving the efficiency of the Department.

The contents of this letter may also be brought to the notice of all the concerned officers."

3. In order to understand clearly the case of the applicants, the learned counsel was directed to explain in a tabular form the position that obtained before and after the Revised 1987 Rules were promulgated. A photo copy of this statement so filed is annexed alongside.\*

4. In the Department of Posts two lines of career promotion exist viz. Inspector line and general line. It will be seen from the chart explaining the position as on 10.3.88 that the lowest category viz. the Postal Assistant, had an option to either go for the Inspectors Line or to continue in the General line.

Position as on 10-3-1988:

**CHART SHOWING THE PROMOTIONAL AVENUES OF INSPECTORS & GENERAL-LINE:**

**Feeder grades for Inspectors line: -----**

Postal Assistants including LSG: pay scales 260-480 & 425-640. -----

↓  
Inspectors of Post Offices (Pay scale of Rs.425-700) Selected through Deptl. competitive examination.

↓  
Assistant Supdts of P.Os (Pay scale of Rs.550-900) By seniority-cum-fitness.

↓  
Higher Selection Grade-I (141 posts) scale 700-900.

↓  
Postmasters Group 'B'  
(Scale of Rs.650-1200)  
By selection.  
90 % quota, reduced to 75 % under Rectt. Rules of 1986.

Eligibility:  
ASPOs, HSG-I: 5 years  
Inspectors. : 8 years

↓  
Postmasters Group 'A'  
Dy. Postmasters (Presidency) in Group 'A'  
Pay Scale: Rs.1100-1600  
By selection.

↓  
PRESIDENCY POSTMASTERS  
Pay Scale: 1300-1700

↓  
DIRECTOR POSTAL SERVICE  
Pay Scale: 1600-2000  
One Post only.

↓  
✓ POSTAL SUPDTS SERVICE GROUP 'B'  
100 % by selection  
along with the Inspectors & Asstt. Supdts of R.M.S.  
Pay scale : Rs.650-1200.

↓  
Indian Postal Service Group 'A' (Jr.)  
40 % promotees quota.  
Pay Scale: Rs.700-1300  
By selection.

↓  
Indian Postal Service Gr. A (Sr.)  
By selection along with direct recruits I.P.S Officers  
Pay Scale : Rs.1100-1600.

**Feeder grades for General line -----**

Postal Assistants in pay scale of Rs.260-480. -----

↓  
Lower Selection Grade (Pay scale of Rs.425-640)  
Promoted under Time Bound One Promotion Scheme on completion of 16 years service with no change in duties.

↓  
Higher Selection Grade-II (Pay scale of Rs.550-750)  
Promotion under Biennial Cadre Review (BCR) Scheme on completion of 26 years service as Postal Assistant.

↓  
Higher Selection Grade-I (remaining posts) scale 700-900.

↓  
Postmasters Group 'B'  
(Scale of Rs.650-1200)  
By selection through Examn.  
10 % quota, raised to 25 % under Rectt Rules, of 1986.

Eligibility  
H.S.G-I & HSG-II: 5 years  
L.S.G. : 8 years

Position after issue of impugned Recruitment Rules, 1987 under notification NO.9-48/87-SPG dated 11-3-1988:

1. The two services namely the Postmasters Service Group 'B' and Postal Superintendents Service Group 'B' have been ordered to be merged and renamed as Postal Service Group 'B'
- ✓ 2. The quota for the Inspectors line and the General line has been fixed in the combined service as under:

Inspectors Line of  
Post Offices & R.M.S.

94 % of vacancies.

By selection on basis of  
C.Rs.

Eligibility:

- 1) 5 years regular service in scale of Rs.1640-2900 ASSTT Supdts, including Rs.2000-3200 (HSG-I)
- ✓ ii) 8 years regular service in pay scale of 1400-2300 (Inspectors)

GENERAL LINE OF POST OFFICES:

6 % of vacancies

By selection through departmental examination.

Eligibility:

- 1) 5 years regular service in either or all the following three cadres together, in general line:
- |        |                                |
|--------|--------------------------------|
| HSG-I  | : Rs.2000-3200                 |
| HSG-II | : Rs.1600-2660                 |
|        | Wrongly shown as Rs.1640-2900. |
| LSG    | : Rs.1400-2300                 |

3. The avenue of promotion to Postmasters Service Group 'A' Deputy Presidency Postmasters Group 'A' and Presidency Postmasters which was 100 % for the Inspectors line in ~~Postmasters~~ Postmasters Service has been taken away. The respondents say that the question of merger of these services/grades at Group 'A' level is still under consideration.
4. One post of Director Postal Service in the pre-revised pay scale of Rs. 1600-2000 (Revised scale Rs.3700-5000) reserved for promotees of Postmasters line has been taken away. The respondents say that this question is still under consideration.
5. The Ministry of Home Affairs vide their O.M. NO.1/5/58-RPS dated 26-2-1958 prescribed the qualifying service for promotion from various grades. Under this O.M. The qualifying service of 8 years has been prescribed for promotion of officials in the pay scales of Rs.425-700/800 to Group 'B' in the scale of Rs.650-1200, while under the above Recruitment Rules the qualifying service for LSG general line in the pay scale of Rs.425-640 has been fixed as 5 years for promotion to Group 'B', but in the case of Inspectors it is fixed as 8 years which is anomalous.

5. Inspector Line\* Postal Assistants in the ordinary scale and in the Lower Selection Grade (Rs.425-640) (LSG) could become Inspectors of Post Offices by passing a departmental competitive examination through selection. The Inspectors (Rs.425-700) could be promoted as Assistant Superintendents of Post Offices (Rs.550-900). There is also a further promotion available to 141 posts of Higher Selection Grade-I (Rs.700-900).

6. Further avenues of promotion in Inspector Line:

6.1 The Postal Superintendents Group 'B' post recruitment rules, 1979 (Annexure A-8) provide that the posts of Postal Superintendent Group 'B' (Rs.650-1200) shall be filled by promotion of Inspectors of Post Offices or Inspectors of Railway Mail Service with 5 years' service on a regular basis in that grade, inclusive also of service in the grade of Higher Selection Grade-II, Asstt. Supdt. of Post Offices and Higher Selection Grade-I.

6.2 In addition, the Inspectors also had an opportunity to get promoted to the majority of the posts of Post Master Group 'B' which are also on the same scale as that of Postal Supdt. Group 'B', i.e., Rs.650-1200. It is provided in the Post Master Service Group 'B' (Recruitment Rules 1986 (Annexure-A-9) that these posts are filled up by promotion to the extent of 75 per cent from the Inspectors line - i.e., from Inspectors of Post Offices with 8 years' regular service in the grade, including regular service in the grade of Higher Selection Grade-II and Higher Selection Grade-I. The remaining 25 per cent are fill up from the general line to which a reference will be made shortly.

6.3 The further avenue of promotion is to the post of Post Master Group 'A' (Rs.1100-1600) Presidency Post Master (Rs.1700-1900) and to one post of Director Postal Services (Rs.1600-2100).

7. General Line: As against this, in the general line, the position before the Revised 1987 Rules were notified was that the Postal Assistant could, after completion of 16 years of service as Postal Assistant, be promoted under the Time-Bound One Promotion Scheme as Postal Asstt. (Rs.425-640). Thereafter, the promotion is to the post of Higher Selection Grade-II (rs.550-750) under the Biennial Cadre Review Scheme on completion of a total of 26 years of service commencing from services as Postal Assistant. The further promotion is to the post of Higher Selection Grade-I (Rs.700-900) in respect of posts other than 141 which are reserved for promotion to the Inspector Line as stated in para 5.

8. Further avenue of promotion in General Line.

There is a further opportunity of promotion to 25% of the posts of Post Master Group 'B' (Rs.650-1200) as stated in para 6.2 above. The promotion is made after holding a departmental competitive examination among officials belonging to Higher Selection Grade I, Higher Selection Grade-II with 5 years regular service in either of both the grades and officials belonging to lower selection grade with 8 years regular service in that grade. This is the last post to which persons in the General line can aspire.

9. It is important to note from the provisions given above that both Inspectors with regular service of 8 years and L.S.G. Postal Assistants with 8 years <sup>earlier,</sup> regular service were, eligible for promotion to the post of Post Master Group 'B' - vide para 6.2 and para 8 supra.

10. This position has undergone a basic change with the issue of the Revised Rules, 1987 w.e.f. 11.3.88. The salient features of the Revised 1987 Rules as mentioned in the above chart are as follows:

10.1 The cadre of Postal Supdts. (earlier governed by the Annexure-8 rules) and the cadre of Post Master Group 'B' (earlier governed by the Annexure A-9 rules) have now been merged.

10.2 In this integrated cadre, 94% of the total posts has been reserved for the Inspector Line. They are to be filled up from officers holding the posts of Asstt. Supdt. (rs.1640-2900) or H.S.G. Grade-I (Rs.2000-3200) with 5 years regular service. Alternatively, the Inspectors in the scale of Rs.1400-2300 having 8 years' regular service can be considered.

10.3 The remaining 6% of the posts are to be filled up from the general line officials by means of a departmental competitive examination. H.S.G. Grade-I, H.S.G. Grade-II and L.S.G. Grade officials with 5 years regular service in any grade or all grades put together are eligible for promotion.

10.4 Further avenues of promotion to the posts of Post Master Service Group 'A', Deputy Presidency Post Master Group 'A', Presidency Post Master and to one post of Director Postal Services, earlier

available to officers of Inspector Line have been taken away.

11. Unlike the position which obtained <sup>before the</sup> /-Revised 1987 Rules, came <sup>into force</sup> / there was a parity in the eligibility condition applicable to Inspectors and L.S.G. for being considered for promotion to the post of Post Master Group 'B' - vide para 9 supra) the Revised 1987 Rules discriminates between them - Inspectors become eligible for promotion to the posts in the merged cadre after 8 years regular service (10.1 supra) while L.S.G. with 5 years service only are eligible (para 10.3 supra).

12. In essence, the grievance is that with the merger of the two cadres the scope of promotion of the Inspector Line to higher posts has been considerably reduced. They are required to share the posts with officers in the General Line. Some posts which were earlier available for promotion to the Inspector Line have now been taken away. Further, <sup>there is</sup> /discrimination between Inspectors and L.S.G. in the matter of promotion to Group 'B' posts.

13. It is in these circumstances that this O.A. has been filed, seeking the following reliefs:-

"1) To set-aside the impugned Recruitment Rules 1987 and the orders dated 11.3.88 and 17.3.88.

2) To direct the Respondent to maintain status-quo-ante retaining the separate entity of both the services of Postal Superintendents and Postmasters in Group 'B'.



3) To grant consequential reliefs of considering the Inspectors line staff for promotions in accordance with the Recruitment Rules of respective services existing prior to the issue of impugned Rectt. Rules, 1987."

14. The respondents have filed a reply stating that the allegations are baseless. The Revised 1981 Rules have been notified for the better administration of the Department. It is stated that there are 615 posts of Postal Supdts. Group 'B' and 177 posts of Post Master Group 'B'. Prior to the merger of these cadres by the impugned Revised 1987 Rules, these two cadres were separate and no exchange of officials between these two grades was possible. If a postal Supdt. or a Post Master Group 'B' at a particular station proceeded on leave or retired and a short term arrangement was to be made, a substitute had to be brought from outside, as no inter-change was permissible. Further, the Department noticed that in the Inspectors line, persons had two avenues of promotion viz. as Postal Supdt. or as Post Master Group 'B'. As against this, in the General Line, persons had only one <sup>avenue</sup> of promotion to the post of Post Master Group 'B'. It is on a consideration of all these factors as well as the recommendations of the Third and Fourth Central Pay Commissions the two cadres of Postal Superintendents and Post Master Group 'B' were merged after discussing the matter with the Staff Unions, the departmental J.C.M. and after consulting the various Governmental Agencies, including the U.P.S.C. It is contended that this is a policy matter and the respondents cannot be heard in respect of any real <sup>they</sup> or imaginary grievance that may have. The mere

reduction of avenues of promotion is not a good ground to challenge the recruitment rules.

15. In so far as the apparent bias in favour of the L.S.G. Postal Assistant is concerned, it is stated that the grievance of the applicants that they may have to work under juniors L.S.G. Asstt. who may get promotion, is illusory. The share of the general line to promotion to Postal Supdt. and Post Master Group 'B' is only 6%, which is about 45 posts. In a particular year the number of such vacancies may not be more than 10. For these post, an All India competition will be held, in which no doubt L.S.G. officials with only 5 years service can also compete but their chances of selection in relation to more senior persons (i.e. L.S.G. II and L.S.G. I) is rather theoretical. In fact, this opportunity given to the L.S.G. Post Assistant would turn out to be illusory.

16. In regard to the deprivation of avenues of promotion to higher posts, i.e., Post Master Group 'A' etc. these issues are still being examined for integration at that level also.

17. We have heard the learned counsel for the parties and perused the record.

18. One set of grounds raised relates to the reduction in the quantum of posts of promotion as a result of Revised 1987 Rules. Thus, promotion of officers in the Inspectors Line to the posts of Post Master Group 'A', Deputy Post Master (Presidency), Presidency Post Master and one post of

Director, Postal Services has now been deprived to persons in the Inspector line. This, however, does not give any cause of action because no group of officials can have any vested right to promotion. Reduction in the chance of promotion is not a cause of action, as no right is infringed. Therefore, the Revised 1987 Rules cannot be assailed on this ground.

19. It is contended that while Postal Assistants have been given the benefit of the Revised 1987 Rules, the Sorting Assistants, including the L.S.G. Sorting Assistants of R.M.S. General Line have not been provided with corresponding opportunities to get promotion as Superintendents R.M.S. or Supdt. Postal Service Group 'B' or Post Master Group 'B'. This is a grievance which can be raised only by a Sorting Asstt. belonging to the R.M.S. The applicants who are Inspectors of Post Offices do not have a locus standi in the matter.

20. It is then contended that the question of merger was earlier considered by the P. & T. Board when the demand of the staff side in the J.C.M. was rejected. Therefore, the Revised 1987 Rules should be struck down. We are unable to agree. The P & T Board may have held a certain view in 1983. It does not mean that either the said view cannot change or that the Government cannot take an independent decision contrary to the views of the P.&T. Board. This is purely a policy matter and Government knows best what is in the interest of the administration and the service.

21. We are also not impressed by the argument that in the Inspector Line, the selection to the post of Inspector is by a stiff process of competitive selection examination whereas the corresponding post of general line, i.e., a Lower Selection Grade, is given automatically after 16 years of service. Thus, the calibre of the officers in the two lines are entirely different and they should not have been brought on par for promotion to the post of Postal Supdt. Service Group 'B' and Post Master Group 'B'. We do not find any merit in this plea. As pointed out above, this is a matter entirely for the executive to decide. Therefore, no interference can be made on this ground.

22. The only grievance which appears to us to be genuine is the glaring discrimination in the treatment meted out to the Inspectors of Posts on the one hand and the L.S.G. Postal Assistants on the other hand. It is provided in the impugned Annexure A-1 Recruitment Rules, 1987 that an Inspector with 8 years regular service in the scale of Rs.1400-2300 or above would be eligible for promotion to the Group 'B' posts in the merged cadre. As against this, in the general line, even a L.S.G. Assistant in the pay scale of Rs.1400-2300, with five years regular service is eligible to appear in the departmental competitive examination for such promotion.


23. The question is whether this amounts to hostile discrimination against the Inspectors. We have carefully considered the matter. It is significant

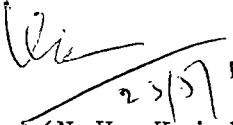
to note that in the matter of promotion to the post of Post Master Group 'B' in terms of the Post Master Group 'B' Recruitment Rules, 1986 (Annexure A-9) which existed before the Revised 1987 Rules were brought into force, a parity was maintained in this respect, because both the Inspectors of Post Offices (Rs.425-700 pre-revised) as well as the Postal Assistant in the L.S.G. (Rs.425-640), both with 8 years' service in the grade, were eligible for consideration. While this is a strong point in favour of the applicants' contention that a discrimination has been made in this regard, we are of the view that on this ground it would not be safe to strike down this provision for two reasons. Firstly, the applicants have not impleaded any L.S.G. officials from the General line who would be affected if any such direction is given or any Union representing them. Secondly, the circumstances have changed after the Annexure A-9 rules of 1986, because the two cadres of Superintendents and Post Masters have been merged. Nevertheless, we are still satisfied that this is glaring anomaly which justifiably agitates the applicants. In the Revised 1987 Rules, the general line, has been given an opening for promotion to the posts of Postal Supdt., which they never enjoyed earlier. Therefore, the eligibility conditions for promotions, should, if at all, have been more rigorous than what they were before the Revised 1987 Rules came into force. The reply does not clearly <sup>explain</sup> why the service stipulated for L.S.G. for promotion has been reduced from 8 years to 5 years. The reply given by the respondents that the opportunity given to the L.S.G. is illusory only strengthens the feeling that, perhaps, the

-12-

eligibility conditions obtaining prior to 11.3.88, need not have been disturbed at all, giving rise to an unnecessary cause of grievance to the officers of the Inspector line. We are of the view that the respondents should be given an opportunity to reconsider this limited issue in the light of the observation we have made herein.

24. While, therefore, we do not find any merit in this application in so far as the main prayers are concerned, we are of the view that there is a case for reconsideration of the condition stipulated in the impugned Annexure A-1 rules that lower selection grade (Rs.1400-2300) General line officials with 5 years service in that grade are also eligible for promotion to the Group 'B' posts of Postal Supdt. and Post Masters with a view to modifying this to <sup>service</sup> 8 years/so as to bring it on par with the condition applicable to Inspectors. We, therefore, direct the respondents to consider this question in the light of the observations we have made and take a decision, within a period of four months from the date of receipt of this order, under intimation to the applicants. We make it clear that if the applicants still feel aggrieved by the decision of the respondents in this regard, it is open to them to seek such remedy as may be advised. No costs.

  
(B.S. Hegde)  
Member(J)  
Camp: New Delhi.

  
(N.V. Krishnan)  
Vice-Chairman

Sanju.