

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH**

ORIGINAL APPLICATION NO.170/00479/2020

DATED THIS THE 04TH DAY OF NOVEMBER, 2020

CORAM:

HON'BLE SHRI SURESH KUMAR MONGA, MEMBER (J)

(On video conference from Central Administrative Tribunal, Bangalore Bench, Bangalore)

HON'BLE SHRI RAKESH KUMAR GUPTA, MEMBER (A)

(On video conference from Central Administrative Tribunal, Bangalore Bench, Bangalore)

1. Shri N. Surendra,
S/o Late M.G. Narashimaiah,
Age 55 years,
Working as Assistant Engineer (Plg)
O/o SE (C) Postal Civil Circle,
IIInd floor, Basavanagudi HO,
Bangalore 560 004

2. Shri Vemuri G.V.L.N. Satish,
S/o Late V. Subramanyam,
Age 50 years,
Working as Assistant Engineer (Plg)
O/o SE (C) Postal Civil Circle
IIInd floor, HPO building,
Basavanagudi HO, Bangalore 560 004
Residing at: No. 1/1, 2nd B Cross,
Manorayana Palya, Bangalore 560 032

3. Shri H.S. Gurudath
S/o Shri H.R. Srikantaiah,
Age 50 years,
Working as Assistant Engineer (Civil)
Postal Divil Sub Dn, Mysore 570 001
Residing at: Flat No. 222,
D Wing Siddachal Block, Adheswara Vatika,
Bannur Main Road, Mysore 570 010

4. Smt. S.S. Dhumwad,
W/o Dr. S.D. Dhumwad,
Age 49 years,
Working as Assistant Engineer (Civil)

Posatl Civil Sub Dn, Dharwad 580 008
Residing at: Flat No. 127,
KIADB Layout, Haliyal Road,
Near Ashoka Garden Hotel,
Dharwad 580 003

....Applicants

(By Advocate Shri P. Kamalesan - through video conference)

Vs.

1. Union of India,
Represented by Secretary,
Department of Post,
Dak Bhavan, New Delhi 110 001

2. Directorate General,
Department of Posts,
Dak Bhavan, New Delhi 110 001

3. Additional Director General,
(Co-ordination)
Department of Post,
Dak Bhavan, New Delhi 110 001

4. Chief Engineer I,
Department of Posts,
Dak Bhavan, New Delhi 110 001

5. Chief Post Master General,
Karnataka Circle,
Bangalore 560 001

.....Respondents

O R D E R (ORAL)

PER: SURESH KUMAR MONGA, MEMBER (J)

The applicants herein had been working as Junior Engineers (Civil) in the Department of Posts. It is stated that they became eligible for promotion to the post of Assistant Engineers (Civil) after regular service of 4 years. It has further been stated that a meeting of Departmental Promotion Committee was convened on 06.07.2009 and it was decided to recommend their names for promotion to the post of Assistant Engineers (Civil) on ad-hoc basis. Accordingly, vide order dated 08.07.2009, they were promoted

by the respondents to the post of Assistant Engineers (Civil) on ad-hoc basis for a period of 11 months or till the regular appointments are made. However, the said ad-hoc appointments made by the respondents, continued without any break.

2. Learned counsel for the applicant submitted that the Departmental Promotion Committee again met on 19.05.2020 and evaluated the APARs of the applicants. Now the respondents have issued an order dated 02.06.2020 vide which the applicants have been promoted on regular basis.

3. After getting the promotions on regular basis, the applicants moved representations dated 15.06.2020, 17.06.2020, 19.06.2020, 05.08.2020, 06.08.2020 and 07.08.2020 in order to claim the regular promotions with effect from the date they were promoted on ad-hoc basis and to revise the seniority list as a consequence thereof. Those representations are still pending with the respondents and the applicants have filed the present Original Application seeking therein a direction to the respondents to grant them regular promotions with effect from 08.07.2009.

4. In our considered view, the Original Application is premature in view of the provisions of Section 20 (1) read with Section 20 (2)(b) of the Administrative Tribunals Act, 1985 as the period of 6 months from the date of presentation of the representations before the respondents is yet to expire.

5. Accordingly, the OA is dismissed as premature. However, the applicants shall be at liberty to approach this Tribunal again by way of filing

a fresh Original Application if the respondents fail to take a decision within a period of 6 months from the date of presentation of aforesaid representations.

6. Ordered accordingly.

7. There shall be no orders so as to costs.

(RAKESH KUMAR GUPTA)
MEMBER (A)

(SURESH KUMAR MONGA)
MEMBER (J)

/ksk/

Annexures referred to by the applicant in OA No. 170/00479/2020

Annexure A1 Copy of the letter dated 11.11.1992
Annexure A2 Copy of the minutes of DPC held on 06.07.2009
Annexure A3 Copy of the letter dated 08.07.2009
Annexure A4 Copy of the letter dated 13.10.2009
Annexure A5 Copy of the letter dated 10.01.2020
Annexure A6 Copy of the DPC minutes dated 19.05.2020
Annexure A7 Copy of the letter dated 02.06.2020
Annexure A8 Copy of the order dated 02.06.2020
Annexure A9 Copy of the letter dated 23.12.2019
Annexure A10 Copy of the OM dated 26.02.2020
Annexure A11 Copies of the representations of the applicants
Annexure A12 Copy of the Delhi High Court order dated 08.05.2013 in the case of Sunil Kumar Mehra vs MCD, Delhi
Annexure A13 Copy of the Principal Bench order dated 05.05.2014 in OA No. 1407/2013
