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RESERVED
Court No.1

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Registration O.A. No.460 of 1987

Mohar Singh Applicant

Versus

Director Postal Services, Kanpur
and Another. Respondents

Hon.S.Zaheer Hasan, V.C.
Hon. Ajay Johri, A.M.

(By Hon.S.Zaheer Hasan, V.C.)

This is an application under Section 19
of the Administrative Tribunals Act XIII of 1985.

2. The applicant Mohar Singh joined as Postal Assistant in the year 1958. On 30.11.83 he had completed about 25 years of service. According to Time Bound Promotion scheme he should have been given promotion since he had completed 16 years of service on 30.11.1983. Other persons were allowed promotion while the applicant was refused. The applicant preferred an appeal on 9.3.1984 and it was rejected on 14.3.1985 hence the present application. In December, 1983 all the names were forwarded to the Departmental Promotion Committee but the applicant's name was not recommended because he was under punishment. The Departmental Promotion Committee met in February, 1984 and since the applicant was considered under punishment so he was not given Time Bound Promotion. On 21.1.1984 the

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applicant was exonerated of the charge on account of which his promotion was withheld. The sitting of second Departmental Promotion Committee took place in November, 1984 and the applicant was given promotion from December, 1984 instead of 30.11.1983. On 3.5.1986 a representation was made which was rejected. Between 1980 to 1983 no adverse entry was communicated to the applicant. The punishment awarded in disciplinary proceedings ultimately ended in favour of the applicant on 21.1.1984. So it has been prayed that the applicant may be granted his legitimate Time Bound Promotion from 30.11.1983 to LSG cadre and necessary arrears may also be awarded.

3. The defence is that the name of the applicant and other officials were sent to Departmental and Promotion Committee ~~vide~~ its report dated 3.3.1984 the applicant was not considered fit because in the disciplinary proceedings initiated against him in the year 1983-84 he was awarded punishment of stoppage of increment for six months. However, the Director Postal Services ~~vide~~ his order dated 21.1.1984 set aside the punishment of stoppage of increment for six months. On the basis of his total performance the Departmental Promotion Committee did not recommend his name.

4. The applicant joined the service as Postal Assistant in 1958. So on the relevant date i.e. 30.11.⁸³

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he has completed more than 16 years of service and in the normal course he should have been given Time Bound Promotion w.e.f. 30.11.1983. The respondents' contention is that since a departmental punishment was running and his overall work was not good so Departmental Promotion Committee did not consider him fit when it held its meeting in February, 1984. There is specific allegation that from December, 1979 onwards no adverse entry was communicated to the applicant. There is nothing to controvert it. So far as disciplinary proceeding is concerned, the matter relates to the year 1983-84 and the punishment of stoppage of increment was set aside on 21.1.1984. The Departmental Promotion Committee met on 27.2.1984 so in the normal course respondents should have informed the Departmental Promotion Committee that the applicant was exonerated of the charge on 21.1.1984 i.e. before the Departmental Promotion Committee met in February, 1984. But nothing like that was done. So naturally the Departmental Promotion Committee did not consider his promotion because ^{on paper} the punishment was running and they did not know that ^{it} was set aside. As already stated there is nothing to suggest that after December, 1979 any adverse remark was given to the applicant or his work was found unsatisfactory during ^{upto} this period i.e. ~~30.11.1983~~. In 1981 he was allowed to cross Efficiency Bar. He was not considered in the Departmental Promotion Committee meeting held

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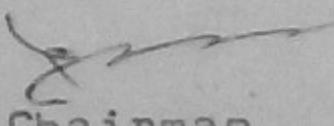
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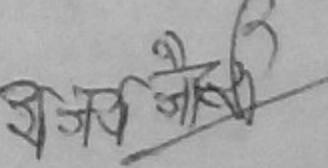
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he has completed more than 16 years of service and in the normal course he should have been given Time Bound Promotion w.e.f. 30.11.1983. The respondents' contention is that since a departmental punishment was running and his overall work was not good so Departmental Promotion Committee did not consider him fit when it held its meeting in February, 1984. There is specific allegation that from December, 1979 onwards no adverse entry was communicated to the applicant. There is nothing to controvert it. So far as disciplinary proceeding is concerned, the matter relates to the year 1983-84 and the punishment of stoppage of increment was set aside on 21.1.1984. The Departmental Promotion Committee met on 27.2.1984 so in the normal course respondents should have informed the Departmental Promotion Committee that the applicant was exonerated of the charge on 21.1.1984 i.e. before the Departmental Promotion Committee met in February, 1984. But nothing like that was done. So naturally the Departmental Promotion Committee did not consider his promotion because ^{on paper} the punishment was running and they did not know that ^{it} was set aside. As already stated there is nothing to suggest that after December, 1979 any adverse remark was given to the applicant or his work was found unsatisfactory during ^{upto} this period i.e. ~~30.11.1983~~. In 1981 he was allowed to cross Efficiency Bar. He was not considered in the Departmental Promotion Committee meeting held

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on 27.2.1984. When the second Departmental Promotion Committee was held in November, 1984, the applicant was given promotion w.e.f. December, 1984. So on the date when the first Departmental Promotion Committee meeting was held on 27.2.1984 there was nothing on the record to suggest that the applicant was unfit for promotion and the departmental punishment was quashed on 21.1.1984 and no other remark was communicated to the applicant after December, 1979 and he was permitted to cross Efficiency Bar in 1981. As already stated, he was allowed promotion in November, 1984 when the second Departmental Promotion Committee meeting took place. The applicant was not at fault in this connection and it was the duty of the Department to inform the Departmental Promotion Committee that the applicant was exonerated of the charge on 21.1.1984. Had this information been communicated to the Departmental Promotion Committee which was held on 27.2.1984 they would have promoted him because there was nothing ~~against~~ ⁱⁿ him from 1979 onwards. In this view of the matter the Department was not justified in promoting the applicant from December, 1984. So the respondents are directed to give the applicant Time Bound Promotion w.e.f. 30.11.1983 and not from December, 1984 and they should also pay him the arrears according to rules. The application is disposed of accordingly with costs on parties.


Vice Chairman


Member (A)

Dated the 30 Nov., 1987
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