

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD.

Allahabad this the 7th day of December 1999.

Original Application no. 1402/1992.

Hon'ble Mr. S.K.I. Naqvi, Judicial Member
Hon'ble Mr. M.P. Singh, Administrative Member

Shiv Nath Singh,
S/o Shri Khasi Ram,
A.P.M. Moradabad, B Head Post Office,
Moradabad.

... Applicant

C/A Shri Anupam Shukla

Versus

1. Union of India through its Secretary, Department of post Dak Bhawan, New Delhi.
2. Chief P.M.S. Lucknow.
3. Senior Superintendent, Post Offices, District Moradabad.
4. Senior Post Master, Moradabad.

... Respondents

C/R Km. S. Srivastava

[Signature]

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ORDER

Hon'ble Mr. S.K.I. Naqvi, Member-J.

The applicant Sri Shiv Nath Singh has sought for relief to direct the respondents to promote the applicant in higher scale of Rs. 1600-2660 w.e.f. 01.10.91 with the introduction of scheme of Binnial Cadre Review and to pay arrears. He has also prayed to quash the order dated 25.08.92 by the respondents as well as to quash the order dated 09.03.92. Both order passed by respondent no. 2.

2. As per the case of the applicant, he was appointed as Postal Clerk on 16.11.57 and was promoted on time bound promotion after satisfactory completion of 16 years of service in the scale of Rs. 1400-2300 during the year 1983. He further mentions that on completion of 26 years of service he was entitled to benefit of Binnial Cadre Review which has been denied to him. It has been mentioned in the application that respondent no. 4 initiated disciplinary proceedings against the applicant under rule 16 of CCS CCA rules 1965 vide memo dated 02.11.91 and the penalty of recovery of Rs. 3000 in 15 instalments has been imposed against him vide order dated 20.08.92. He has taken the ground that as per direction dated 19.05.84 the promotion of officer can be given effect during currency of punishment of recovery. As such the applicant deserved to be promoted to the next higher grade of Rs. 1600-2600. On being denied of this benefit, he has come before the Tribunal.

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The respondents have contested the case and filed GA in which it has been mentioned that the applicant could not be given benefit of higher scale, inspite of his having completed 26 years of service, because of pendency of the disciplinary cases and the D.P.C. recommendation were kept under sealed cover. The disciplinary departmental proceedings ended into finding against the applicant and, therefore, promotion could not be given effect to during the currency of the punishment and monetary recovery. It has also been pleaded on behalf of the respondents that the benefit of Binnial Cadre Review claim was available to those who have completed 26 years of satisfactory service ^{see above} ~~were~~ as, because of adverse finding against the applicant in the departmental proceedings, his services could not be termed to be unblemished and satisfactory. Therefore, he is not entitled to the benefit claimed.

3. Perused the record.

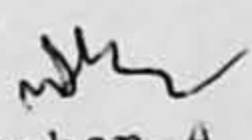
4. The applicant has prayed for benefit of Binnial Cadre Review w.e.f. 01.10.91 for higher pay scale of Rs. 1600-2660 after completion of 26 years of service. But it is quite evident from the record that this benefit is available only to those who ~~had~~ ^{have} put in 26 years of satisfactory service. Unfortunately


S. K. Singh

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the applicant ^{is} ~~has~~ not covered under these condition
in view of the departmental proceedings and adverse
findings against him ^{which} resulted into ~~monitory~~ punishment
for defalcation in money orders. For the above we are
not inclined to grant any relief. The O.A. is dismissed.

6. No order as to costs.


Member-A


Member-J

/pc/