

4

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH
CUTTACK

O.A. 465/2001

Date of order: 12.04.2004.

Present : Hon'ble Mr. Justice B. Panigrahi, Vice-Chairman.
Hon'ble Mr. S.K. Naik, Administrative Member.

Golak Behari Parida

- v e r s u s -

Union of India and Ors.
(Deptt. of Posts)

For the applicant : Mr. J. Sengupta, counsel.
For the respondents : Mr. S.B. Jena, counsel.

O R D E R

Per Justice B. Panigrahi, VC

The applicant joined service as Time Scale Clerk in Balasore Postal Division on 16.4.1963. After the said division was bifurcated, he was allotted to work in Bhadrak Postal division since 1.8.1980. In course of time he was promoted to the post of Lower Selection Grade (L.S.G.) cadre by memo No. ST/26.5.83 dated 20.9.83 communicated vide Suptd. of Post Offices, Bhadrak Division, Bhadrak. He has worked in the L.S.G. cadre in Bhadrak Division from 29.10.83 till 30.9.1991. Thereafter the applicant was promoted to the post of Higher Selection Grade II (H.S.G. II) on and from 1.10.1991. While his case for further promotion came up for consideration the applicant was not given promotion to the H.S.G. I on the ground that he was punished thrice in the departmental proceedings. From the counter it has also transpired that the applicant was punished vide Memo No. L-20/ch.II/95 dated 10.7.96. In another departmental proceedings order of recovery of Rs.1000/- was passed against the delinquent applicant on 26.2.98 and on the third occasion, he was communicated with the punishment of censure. Therefore, the respondents while assessing the overall performance of the applicant found

him 'unfit' for further promotion to HSG-I cadre.

2. Mr. Sengupta, Id. counsel appearing for the applicant has strenuously argued that other employees, who are junior to the applicant, who had also been communicated the order of punishment, were subsequently considered for promotion to the post of HSG I. But why the respondents adopted step-motherly attitude against the applicant by refusing him the said promotion is not known to him. The submission prima facie seems to be attractive. But even if the respondents have committed an administrative error by giving promotion to those persons, that does not mean that the same mistake will have to be repeated by them once again. Further-more, they have explained in their counter that the persons who are being given promotion, were held responsible for contributing negligence. But no direct responsibility was fixed against them, therefore, the authorities after taking the particular fact situation into consideration, considered their case and gave them promotion. But that analogy can hardly be drawn so far as the applicant's case is concerned. Since the applicant was responsible for his negligence and was visited with order of punishment on three occasions, it appears that the respondents were justified in not giving the applicant due promotion to the post of HSG I. Therefore, we do not find any merit in this application. Accordingly, it is dismissed. No costs.



Member (A)



Vice-Chairman.