

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JODHPUR BENCH, JODHPUR.**

Date of Decision : 25-07-03.

O.A. No.150/2002.

B.L.Paliwal son of Shri Kishan aged 38 years by caste Paliwal Brahmin Postal Assistant (TBOP) Jodhpur Head Post Office, Resident of Hanwant A/166 B.J.S. Colony, Jodhpur.

... Applicant.

V e r s u s

1. Union of India through the Secretary, Ministry of Communication, Dak Bhawan, Sansad Marg, New Delhi.
2. The Post Master General, Rajasthan, Western Region, Jodhpur.
3. The Director, Postal Services, Rajasthan Western Region, Jodhpur.
4. The Senior Superintendent of Post Offices, Jodhpur.

... RESPONDENTS

Mr. H.K.Purohit, counsel for the applicant.
Mr. S.K.Vyas, counsel for the respondents.

CORAM

Hon'ble Mr.Justice G.L.Gupta, Vice-Chairman,
Hon'ble Mr. R.K.Upadhyaya, Administrative Member.

: O R D E R :

(R.K.Upadhyaya, Administrative Member)

The applicant was initially appointed as Postal Clerk in Jodhpur Division w.e.f. 14.09.1983. The grievance of the applicant is that even after completion of 16 years of service in the Postal Department as Postal Clerk/Assistant on 14.9.1999 he has not been placed in the next higher grade under the Time Bound One Promotion (TBOP) Scheme. The representation dt.

Ch. Singh

27.12.2000 made by the applicant has been rejected by the impugned order dt. 15/18.06.2001 (Annexure - A-1). Therefore, this O.A. has been filed claiming the benefit of TBOP w.e.f. 14/17.9.2000, though he has been allowed the next higher grade under the TBOP scheme w.e.f. 17.09.2001 as per order dt. 31.07.2001 (Annexure - A-7).

2. The applicant claims that his request for next higher grade under TBOP should have been allowed w.e.f. 14/17.09.2000, as he had satisfactory record of service and fulfils the eligibility criteria under the scheme. In the impugned order (Annexure - A-1), it has been stated that the overall records for the last 5 years was taken into consideration and the same was found unsatisfactory. The applicant claims that for the purpose of promotion w.e.f. 14.9.2000, records upto the year 1995-96 are to be considered within the stipulated five years period. The applicant was merely awarded punishment of censure during the year 1995-96 and punishment of censure without a specific order of stoppage of promotion does not disentitle the applicant for getting the next higher grade under the TBOP scheme. It is therefore, urged that the respondents be directed to allow the benefit to next higher grade w.e.f. 14/17.09.2000.

3. The Respondents have contested the claim of the ^{in *vit* a} applicant by filing a reply which is admitted by the respondents that the applicant was due for promotion under TBOP scheme w.e.f. 14.09.1999 as he had put in qualifying service of 16 years. However, the DPC for the year 1999-2000 did not recommend his case for promotion due to unsatisfactory record of service. The applicant was awarded punishment of stoppage of increment for one year without cumulative effect vide order



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dt. 24.07.1998. This punishment was effective upto 31.08.1999. The appeal against the punishment order was also rejected. It is further pointed out by the respondents that the case of the applicant was put up before the DPC again during the year 2000-2001, but the DPC did not recommend his case for promotion due to unsatisfactory record of service. The applicant was accordingly informed by memorandum dt. 11.09.2000 (Annexure - A-2). The representations against this orders were considered by the Controlling Officer, as well as, Appellate Authority. The applicant has now been promoted under the TBOP scheme w.e.f. 17.09.2001 by the DPC for the year 2001-2002. Therefore, the cause of action no longer remains. In support of the claim of the Respondents, it has been stated that :



"....the service records of the official for the last 5 years cannot be said to be satisfactory as it contained the following adverse entries (year 1994-95) 1. devotion to duty - unsatisfactory participated in the strike of postal employees from 8.12.1993 to 10.12.1993 and remained absent from duty unauthorisedly.

2. Conduct (i) unsatisfactory. He was found disturbing general discipline of the office, HC was not polite to the customers, also.
3. General performance - He was severely warned for not attending to his duties properly and not treating the customers properly vide letter No.B1-4/99 dt. 7.2.1995.

(Year 1995-96)

General Performance - He was censured vide memo B1-4/199 dt. 20.11.1995 for furnishing wrong information.

Year 1996-97 - General performance - He was warned for not exhibilily devotion to duty and carelessness vide memo B1-4/199 dt. 24.4.1996.

Year 1997-98 - Satisfactory.

Year 1998-99 - 1. Accuracy & speed in out turn - Inaccurate he did not account for Rs.100/- in SB A/c. No.387113.

2. General performance - stoppage of one increment for one year vide SSPOS No.F6/Misc./97-98 dt. 27.4.1998.

3. Assessment of integrity - Doubtful as he did not account for Rs.100/- in SB A/c. No.387113. Year 1999-2000 satisfactory.

Year - 2000-2001 - Satisfactory. "

4. The Ld. Counsel of the respondents stated that the upgradation of pay in the next higher scale under the scheme is subject to completion of 16 years of regular and satisfactory service. The Service Record of the applicant have not been considered satisfactory by the DPC for the purpose. The applicant has not been found suitable for award of next higher grade under the scheme before 17.9.2001. Therefore, the claim of the applicant should be rejected.

5. We have heard the Ld. Counsel of both the parties and have perused the materials made available before us. Perusal of the summary of the service records of the applicant as stated by the respondents indicates that the applicant had satisfactory remarks for the years 1997-98, 1999-2000 and 2000-2001. The applicant had unsatisfactory service record for the year 1994-95, inasmuch as, he had participated in the strike of Postal employees and had remained absent from duty. He was warned as per letter dt. 7.2.1995. For the year 1995-96, he was censured vide memo dt. 20.11.1995 for furnishing wrong information. For the years 1996-97 again, the applicant was warned for not exhibiting devotion to duty as per memorandum dt. 24.04.1996. Even if we ignore the satisfactory report for the year 1997-98, the report regarding the year 1998-99 is adverse from several points of view. Not only that he was awarded punishment of stoppage of one increment vide memo dt. 27.4.1998, his integrity was also doubtful. The claim of the respondents is that the adverse remarks had been upheld by the Appellate Authority also. Inspite of such adverse



Ch. B. Singh

remarks for the year 1998-99, the applicant has been allowed the benefit of next higher grade under the TBOP Scheme w.e.f. 17.09.2001.

6. In our considered view, the TBOP Scheme benefit can be given to the applicant only on completion of qualifying years of service and records of the applicant being satisfactory. The respondents reply as has been extracted earlier clearly indicates that the records of the applicant in the last 5 years cannot be said to be satisfactory. Therefore, we do not find any justification in the claim of the applicant for allowing him upgraded pay scale under the scheme from the date prior to which he has been allowed the same by the Respondents. In this view of the matter, this O.A. is dismissed, without any orders as to costs.


(R.K.UPADHYAYA)
ADMINISTRATIVE MEMBER


(G.L.GUPTA)
VICE-CHAIRMAN

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Part II and III destroyed
in my presence on 25.3.09
under the supervision of
Section officer () as per
order dated 13/21.09

Section officer (Record)

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