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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH; JODHPUR**

Original Application No. 258/2004

Date of decision: 02.08.2007

Hon'ble Mr. Kuldip Singh, Vice Chairman,

Hon'ble Mr. Tarsem Lal, Administrative Member.

Bhanwar Lal Mehra, S/o shri Gheesa Lalji by caste Mehra, aged about 58 years, presently posted as Senior Post Master Head Post Office, Jodhpur, resident of Agar Chand Fateh Chand Colony, Ratanada, Jodhpur.

: Applicant.

Rep. By Mr. Manoj Bhandari : Counsel for the applicant.

VERSUS

1. The Union of India through the Secretary, Ministry of Communication, Dak Bhavan, Delhi.
- 1.(A) The Union of India through the Director General (Post) SPG Department of Post, Dak Bhawan, Sansad Marg, New Delhi. 110 001.
2. The Principal Chief Post Master General, Department of Posts, Rajasthan Circle, JAIPUR 3007
3. Shri Sita Ram Meena Director, Postal Services, Agra Office, C/o Post Master General, Agra.
4. Shri K K Chandel, Junior Time Scale of IPS cadre of Group A, C/o Chief Post Master General Madhya Pradesh Circle, Bhopal.
5. Shri PV. Subba Rao, Junior Time Scale of IPS cadre of Group A, C/o Chief Post Master General, Andhra Pradesh Circle, Hyderabad.
- Shri D.P. Yadav, Junior Time Scale of IPS cadre of Group A, C/o Chief Post Master General, Bihar Circle, Patna.
- Shri K.L. Kalosia, Junior Time Scale of IPS cadre of Group A, C/o Post Master General, Punjab Circle, Chandigarh.

: Respondents.

Mr. M. Godara proxy counsel for Mr. Vinit Mathur, : Counsel for the respondents 1, 1(A) & 2

None present for respondents 3 to 7.

ORDER

Per Mr. Kuldip Singh, Vice Chairman.

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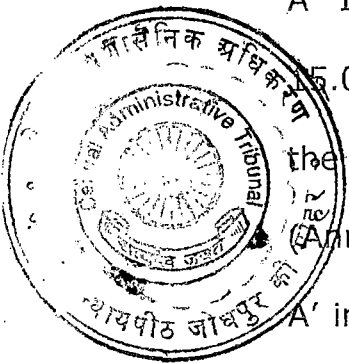
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The applicant has filed this O.A seeking the following reliefs:

- "(i) by an appropriate order or direction, the respondents be directed to promote the applicant on the post of Junior Time Scale 'Group A' officer in the Indian Postal Services in the pay scale of Rs. 8000-13500 from the date the respondents No. 4 to 7 have been promoted i.e. w.e.f 6th September 2004 with all consequential benefits
- (ii) by an appropriate order or direction, the order dated 6th September and 22nd September 2004 may kindly be ordered to be modified and the respondents be directed to promote the applicant with all consequential benefits on the vacant post of Group A officer, Junior Time Scale in Indian Postal Services in the pay scale of Rs. 8000-13500
- (iii) By an appropriate order or direction, the respondents be directed to convene the review DPC in order to consider the case of the applicant afresh and the earlier DPC proceedings held in July 2004 may kindly be declared illegal, vitiated and be quashed.
- (iv) By an appropriate order or direction, the respondents be directed to ignore the penalty of censure imposed in the year 2000 against the applicant while considering the case for promotion to the higher post of 'Group A officer of Junior Time Scale in the pay scale of Rs. 8000-13500.
- (v) By an appropriate order or direction the respondents be directed to produce the entire record of DPC in order to show the fair consideration of promotion of the applicant in accordance with law.
- (vi) Any other appropriate order or direction which this Hon'ble Tribunal may deem fit just and proper in the facts and circumstances of the case may kindly be passed in favour of the applicant."

2. The grievance of the applicant is that at present he is working as Senior Post Master 'Group B' in the pay scale of Rs. 7500-12500. He has become eligible to be promoted as 'Group A' officer in Junior Time scale of Indian Postal Services in the pay scale of Rs. 8000-13500. The applicant further submits that he was a selectee of 1993 batch 'Group B' Postal Services and as per the panel position of Selection as 'Group B' officer a list was prepared vide Annex. A/2. It is also stated that a DPC was held for promotion to the post of 'Group A' Indian Postal Services in the pay scale of Rs. 8000-13500 on 15.07.2004 to 17.07.2004 and thereafter promotions were made by the official respondents and the list was published on 06.09.2004 (Annex. A/1) wherein 57 'Group B' officers were promoted to 'Group A' in entire country. But the name of the applicant did not figure in the said list. The grievance of the applicant is that number of his juniors on the basis of their date of joining has been promoted and



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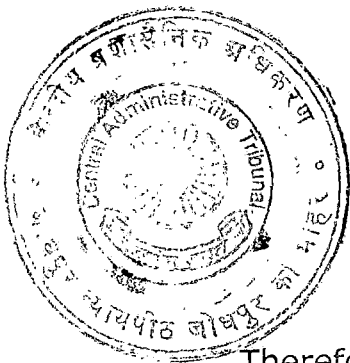
the applicant has been superseded for the reasons best known to the respondents. Therefore the applicant had submitted a representation on 27.09.2004 (Annex. A/3). The applicant further states that the bench mark for promotion to the grade of Rs. 8000-13500 is 'Good' only and therefore the DPC has to grade the officers as 'fit' or 'unfit' with reference to the bench mark of 'Good' and guidelines were also issued by the Department of Post on 22.03.2002. It is also stated that one of the DPC members, who is a Director of Postal Services, was having prejudice against the applicant for the reason of personal bias and that is why he has not been promoted. It is further stated that the applicant has been discriminated.

3. The respondents are contesting the O.A. The respondents have denied all these facts. It is stated that the DPC had found the applicant as 'not fit' for promotion to JTS Group 'A' and therefore he could not be placed in the panel. The DPC after assessing the ACRs of the applicant found him 'unfit' for promotion and hence he was not promoted. It is further stated that the DPC consists of the following:

- i) Member from UPSC - Chairman
- ii) Member Postal Services Board - Member
- iii) Deputy Director General (Personnel)- Member.

and one co-opted member of SC/ST category

Therefore there is no question of any bias against the applicant. It is also stated that his performance as reflected in the ACRs have been assessed and was declared 'unfit' for promotion. Therefore the



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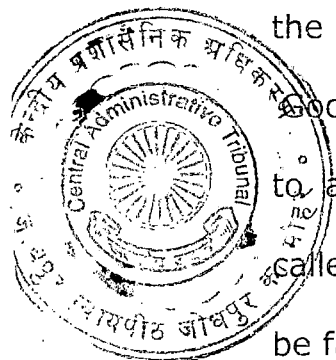
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respondents have submitted that there is no merit in this OA and the same be dismissed.

4. We have heard the learned counsel for the parties and perused the records carefully. At the outset we may mention that at the time of arguments the only contention raised by the applicant was that he has not been conveyed any adverse remarks and therefore his presumption is that he has reached the bench mark 'Good' and as

such he is entitled to be promoted to the post of JTS 'Group A' in the Indian Postal Services in the pay scale of Rs. 8000-13500. However, the respondents have urged that the applicant has not reached the bench mark 'Good'. In view of the controversy, we have summoned the ACRs of the applicant and the same has been produced before this Court. On a perusal of the same we find that in one of the ACRs, the applicant was graded as 'Average' and therefore the DPC had rightly graded him as not reached the bench mark 'Good' and did not place him in the panel in question. Even according to the applicant himself the Bench Mark for promotion to the post of JTS 'Group A' in the Indian Postal Services in the pay scale of Rs. 8000-13500 is

'Good'. In these circumstances, we hold that the applicant has failed to achieve the bench mark 'Good'. Therefore, no interference is called for from this Tribunal and the action of the respondents cannot be faulted. The O.A is therefore dismissed with no order as to costs.



(Tarsem Lal)
Administrative Member

(Kuldip Singh)
Vice Chairman.

Jsv.

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Part II and III destroyed
in my presence on 04-6-14
under the supervision of
Section officer () as per
order dated 06-7-2014

Section officer (Record)

9/8/07