

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

.....

O.A. No. 434 of 1994.

Friday this the 23rd day of December, 1994.

CORAM:

HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER
HON'BLE MR P SURYAPRAKASAM, JUDICIAL MEMBER

K. Sasisekharan Nair,
Asstt. Superintendent of Post Offices,
O/o Superintendent of Post Offices,
Thiruvananthapuram South Division,
Thiruvananthapuram-695 014.

.. Applicant

(By Advocate Shri P.C. Sebastian)

Vs.

1. The Chief Postmaster General,
Kerala Circle,
Thiruvananthapuram - 695 033.
2. The Director of Postal Services,
(Head Quarters)
O/o Chief Postmaster General,
Kerala Circle,
Thiruvananthapuram.
3. Union of India represented by
the Secretary,
M/o Communications,
New Delhi.
4. K. Gopinathan Nair,
Postmaster (HSG I),
Thalasserry, H.P.O.
5. G. Pavithran,
Postmaster (HSG I),
Palakkad H.P.O.

.. Respondents

(By Advocate Shri TPM Ibrahim Khan, SCGSC)

O R D E R

PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

While working as Assistant Superintendent of Post Offices,
applicant was promoted by A2 order dated 29.3.1993 to the cadre
of Higher Selection Grade-I. The applicant sent a letter dated

8.4.1993(A3) in which he has stated;

"I hereby decline the promotion ordered in the C.O. letter referred to above at present for personal reasons."

Following the policy laid down in Annexure-R1, as subsequently amended, respondents therefore barred the applicant from promotion for a period of one year.

2. The grievance of the applicant is that his juniors were promoted subsequently and that those vacancies should have been offered to him. According to applicant, the respondents were not correct in imposing a bar of one year on promotion in his case. Applicant relies on para-3 of R1 which states:

"The abovementioned policy will not apply where adhoc promotions against short term vacancies are refused."

3. The promotion order A2 states that the promotion of the applicant was purely on adhoc and temporary basis. According to respondents, this is the normal format in which the promotions are made and that the vacancy was not short term. They contend that respondent No.4 who was also promoted in the same order as the applicant with the same description of the promotion as adhoc and temporary is still continuing in his post after a period of one year and a half. Since the vacancy was not short term, the exception mentioned in para-3 of R1 would not apply in the case of applicant.

4. It is no doubt true that the promotion order A2 states that the promotion was purely on adhoc basis. There is no

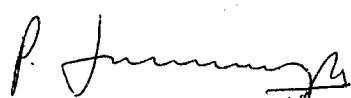
indication in the order that it is against a short term vacancy. The applicant in ground(D) raises a contention that since no option was given to him regarding the fixation of pay on promotion(as was given in the case of A9 order in which the 5th respondent was promoted), it must be presumed that the promotion was not on a regular and permanent basis. However, a perusal of the promotion order A2 shows that such option for fixation of pay on promotion within one month from the date of joining the new post was offered to applicant also. This contention therefore of the applicant is not correct.

5. The exception to the barring of promotion for one year will apply according to the respondents to adhoc promotions against short term vacancies. In this case though the promotion was described as adhoc, there is no indication in the promotion order that the promotion was against a short term vacancy. Besides, the applicant while declining the promotion by A3 letter has not declined the promotion on the ground that it was an adhoc promotion against a short term vacancy, but he has declined the promotion for personal reasons. Under these circumstances, we do not consider that the respondents have committed any error in barring the applicant from promotion for a period of one year.

6. The respondents have stated that the period for which promotion was barred in the case of applicant is now over

and that the applicant has become eligible for consideration for adhoc promotions against next available regular vacancy in the Higher Selection Grade-I. We record the submission and dispose of the application. No costs.

Dated, the 23rd December, 1994.



P. SURYAPRakash
JUDICIAL MEMBER



P. VENKATAKRISHNAN
ADMINISTRATIVE MEMBER

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List of Annexures

1. Annexure A2: True copy of Order No. ST/3/1/Ch.XI/92 dated 29-3-93 issued on behalf of Ist respondent.
2. Annexure A3: True copy of representation dated 8-4-93 submitted by the applicant before the Ist respondent.
3. Annexure A9: True copy of Memo No. ST/3/1(8)/92 dated 15-11-93 issued on behalf of the Ist respondent.
4. Annexure R1(A) True copy of OM No. 1/3/69-Estt(D) dated 22nd November, 1975.