

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.445/2002.

Thursday this the 14th day of October 2004.

CORAM:

HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER
HON'BLE MR. H.P.DAS, ADMINISTRATIVE MEMBER

(By Advocate Shri O.V.Radhaakrishnan)

vs.

1. Superintendent of Post Offices
Vadakara Division, Vadakara -673 101.
2. Director of Postal Services (H.Q.)
Office of the Chief Postmaster General,
Thiruvananthapuram.
3. Post Master General, Northern Region,
Calicut-673 011.
4. Chief Postmaster General,
Kerala Circle, Thiruvananthapuram.
5. Director General of Posts, Dak Bhavan, Sansad Marg,
New Delhi.
6. Departmental Promotion Committee for promotion to HSG I
Cadre represented by its Chairman, Office of the Chief
Postmaster General, Kerala Circle, Thiruvananthapuram.
7. Union of India represented by its Secretary,
Ministry of Communications,
New Delhi-110 001. Respondents

(By Advocate Shri C.Rajendran, SCGSC)

The application having been heard on 14.10.2004, the Tribunal on the same day delivered the following:

O R D E R (Oral)

HON'BLE MR. KV. SACHIDANANDAN, JUDICIAL MEMBER

The applicant is presently working as Deputy Postmaster at Vadakara H.O. under the 1st respondent. The applicant appeared for the Departmental Examination held in 1978 for promotion against 1/3rd quota of Lower Selection Grade vacancies and he

came out successful. He was accordingly promoted against 1/3rd quota of LSG vacancy of the year 1980. The applicant claims that he is eligible for promotion to HSG-I on the basis of seniority and his non-promotion is illegal, arbitrary, discriminatory and violative of provisions under articles 14 and 16(1) of the Constitution. He further contended that as per the Government of India O.M. dated 6.11.1998 the mode of selection is 'Selection-cum-seniority' and the prescribed benchmark is 'good' and the employees who possess the benchmark 'good' are to be included in the panel in the order of their seniority in the lower grade. He claims that his benchmark is good and despite the fact that he has not been included in the panel in the order of seniority. The Departmental Promotion Committee(DPC for short) ought to have considered his service records. Aggrieved by the inaction on the part of the respondents the applicant has filed this O.A. seeking the following reliefs:

- i. to call for the records relating to Annexures A-10 and A-14 and to set aside the same to the extent they excludes the name of the applicant from the list of officials promoted to the cadre of HSG-I (General Line) in Post Offices;
- ii. to call for the records relating to A-11 and to set aside the posting of the applicant as Deputy Post Master (SB) BCR, Vadakara HO which is in the LSG Cadre;
- iii. to issue appropriate direction or Order directing the respondents to hold a review DPC and to review the select list for promotion to HSG-I cadre and the promotions ordered as per Annexures A-10 and A-14 and to consider the applicant for promotion to HSG-I without taking Annexures A-3 as a bar for promotion and to promote him to HSG-I Cadre with effect from the date of his entitlement on the basis of his seniority in the cadre of LSG and HSG-II over his juniors with all service benefits including arrears of pay and allowances;

2. Respondents have filed a detailed reply statement in which it is contended that a DPC had met on 28.11.2001 to asses the

suitability of senior HSG II/BCR officials for promotion to the cadre of HSG I and the promotion to the cadre of HSG II is governed by the P&T (Selection Grade Posts) Recruitment Rules, 1976 according to which HSG I in Post Offices is classified as General Central Services (Non-gazetted Ministerial Group (C) and is 'Selection' posts for General Line Officials. For promotion by selection method, for each category of posts a bench mark grade would be determined, and for all Group 'C' posts, the bench mark would be "good".

3. When the matter was taken up Shri O.V.Radhakrishnan, learned counsel appeared for the applicant and Shri C.Rajendran, SCGSC appeared for the respondents.

4. Non-granting of promotion to the applicant is based on the DPC evaluation. Therefore, this Court found it fit to call for the records. Learned counsel for respondents have made available the DPC proceedings and the ACRs of the applicant for the respective years prior to the period of selection and we have perused the records for the years from 1.4.1996 and upwards. We found that the applicant is having 3 "averages" 2 "goods" and one "very good". However, these ACRs cover the period from 1.4.96 to 5.2.2002. On going through the said ACRs the applicant is not conforming to the bench mark 'good' for the purpose of promotion. Therefore, it is clear that the DPC had assessed the suitability of the applicant with reference to his service records and Confidential Records' proceedings for five years and found the applicant "not suitable for promotion".

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5. Under these circumstances, we are of the considered view that the applicant could not make out a case and therefore, the O.A. does not merit and accordingly, the same is dismissed. In the circumstance, no order as to costs.

Dated the 14th October, 2004.

H.P.DAS

ADMINISTRATIVE MEMBER

K.V.SACHIDANANDAN
JUDICIAL MEMBER

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