

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA 452/99

Wednesday this the 25th day of July, 2001.

CORAM

HON'BLE MR. A.M.SIVADAS, JUDICIAL MEMBER
HON'BLE MR. G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

1. A.Balakrishnan
Superintendent of Post Offices
Postal Stores Depot
Thiruvananthapuram-695023.
Kerala.
2. K.Babunaik
Superintendent of Post Offices
Vadakara Division
Vadakara - 673 101.
Kerala.

Applicants.

[By advocate Mr.P.Santhalingam]

Versus

1. Union of India rep. by
Director General of Posts
Dak Bhavan
New Delhi.
2. Union Public Service Commission
Dholpur House, New Delhi.
3. Chief Postmaster General
Kerala Circle
Thiruvananthapuram.
4. Sri Rameshwar Lal,
Senior Superintendent of Post Offices
Karnal Division
Haryana - 132 001.
5. Sri E.U.Perumal
Supdt. of Post Offices
C/o Chief Postmaster General
Tamil Nadu Circle.
6. Sri D.Moses
-do-
Andhra Pradesh Circle.
7. Sri H.L.Tamta
-do-
Uttar Pradesh Circle.
8. Sri M.R.Ahire
-do-
Maharashtra Circle
9. Sri W.D.Kholragade
-do-

10. Sri Sivanath
-do-
Uttar Pradesh Circle.
11. Sri T.R.Jatav
-do-
12. Sri Sarwan Singh
-do-
Punjab Circle.
13. Sri T.J.Sebastian
Officer Commandant, 36 Div.
Postal Unit, C/o 56 APO.
14. Sri S.Daivam
-do-
Tamilnadu Circle.
15. Sri S.S.Marandi
-do-
West Bengal Circle.
16. Sri C.S.P.Kumar
-do-
Andhra Pradesh Circle.
17. Sri Chitarmal Verma
-do-
Delhi Circle.
18. B.Veerabhadram
-do-
Andhra Pradesh Circle.
19. P.J.John
-do-
Tamilnadu Circle.
20. A.Ramakrishnaiah
-do-
Andhra Pradesh Circle.
21. N.S.Martolia
-do-
Uttar Pradesh Circle.
22. M.C.Nimkar
-do-
Maharashtra Circle
23. R.Parthasarathy
-do-
Tamilnadu Circle.
24. A.M.V.Peter
Superintendent of Post Offices
c/o Chief Post Master General
Tamilnadu Circle.

25. P.N.Meena
-do-
Haryana Circle

26. M.G.Ninama
-do-
Gujarat Circle. Respondents.

[By advocate Mr.T.A.Unnikrishnan for R1 to 3]

The application having been heard on 25th July, 2001, the Tribunal on the same day delivered the following.

O R D E R

HON'BLE MR. A.M.SIVADAS, JUDICIAL MEMBER

Applicants seek to direct the authorities to convene a review DPC to consider their case for promotion with all consequential benefits, to declare that they are entitled to be promoted with effect from the date on which their immediate juniors are granted promotion and the adhoc procedure followed for the impugned selection is opposed to law and also to set aside A-15 & A-16.

2. The applicants are Superintendents of Post Offices. They say that they are eligible for consideration and promotion to the next higher grade of Junior Time Scale (J.T.S.) Group-A on completion of continuous service of 3 years in the grade subject to approval for promotion by a duly constituted Departmental Promotion Committee (DPC). A-2 is the relevant extract of the Rules. A-15 & A-16 are vague. There is a grave procedural irregularity in the impugned selection. Vacancies which existed on year wise basis should have been considered on that basis without clubbing together the subsequent vacancies. Censure was awarded to the first applicant. Censure is not a punishment. His promotion was withheld on account of the censure awarded to him.



3. Official respondents resist the OA contending that the DPC for the last few years at regular annual intervals could not be conducted due to administrative reasons. In the DPC for promotion to JTS Group-A met in August 1995 for the year 1994-95, select panels were recommended by the DPC for the vacancies for the years 1992-93 and 1993-94 for JTS Group-A. A consolidated panel was also recommended placing the select list of the earlier year above the one for the next year and so on as per the existing provisions in the matter. Applicants could not find place in the zone of consideration for the period mentioned earlier as they were juniors in the seniority list. As per the existing DPC guidelines, promotions are made for induction to Group-A or services from lower grade. The bench mark grading required for promotion is 'good'. However, officers graded as 'outstanding' would rank enblock senior to those who are graded as 'very good', those graded as 'very good' would rank enblock senior to those who are graded as 'Good'. Applicants were not promoted as their names were not in the select panel furnished by the DPC. It is not correct to say that due to the penalty of censure, promotion was denied.

4. One of the grounds raised by the applicants is that because of the awarding of the censure, promotion was denied. Official respondents have categorically stated that the punishment of censure was not the reason for non-promoting. No attempt was made by the applicants to substantiate that the penalty of censure awarded was the reason for denial of promotion.

5. The other ground raised is that the procedure adopted by the DPC is wrong for the reason that all the vacancies for all the years have been clubbed together and it should not have been done and the vacancies should have been considered on year wise basis. On this aspect the respondents have clearly stated in para 2 of the reply statement what procedure was adopted by the DPC. It is clearly stated therein that year wise vacancies were looked into and that the select panel was prepared accordingly. We do not find any reason to disbelieve the statement of the respondents.

6. Both the grounds raised by the applicants do not hold good.

7. Accordingly the OA is dismissed.

Dated 25th July, 2001.



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER



A.M. SIVADAS
JUDICIAL MEMBER

aa.

Annexures referred to in this order:

A-15 True copy of office memorandum dated 16.10.98 No.4-46/98-SPG issued from the Office of the Ministry of Communications, Department of Posts.

A-16 True copy of office memorandum dated 16.10.98 No.4-46/98-SPG issued from the Office of the Ministry of Communications, Department of Posts.

A-2 True copy of relevant extract rule, Indian Postal Services Group-A Rules 1987 as amended in 1995.