

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

**ORIGINAL APPLICATION NO:502/2007
DATED THE 6TH DAY OF FEBRUARY, 2009**

CORAM :

HON'BLE Mr GEORGE PARACKEN, JUDICIAL MEMBER

HON'BLE Ms K NOORJEHAN, ADMINISTRATIVE MEMBER

P Premalatha.

Sub Postmaster, Karukutty PO,

Angamaly, Ernakulam District

Residing at: "LATHA VILAS HOUSE"

Manickamangalam P.O.,

Kalady – 683 574.

... Applicant

By Advocate Mr TCG Swamy

V/s

- 1 Union of India represented by
The Secretary to the Government of India,
Ministry of Communications,
(Department of Posts), New Delhi.
- 2 The Chief Postmaster General,
Kerala Postal Circle,
Thiruvananthapuram
- 3 The Postmaster General,
Central Region, Kochi
- 4 The Senior Superintendent of Post Offices,
Aluva Postal Division, Aluva,
Ernakulam District. ... Respondents

By Advocate Mr TPM Ibrahim Khan SCGSC

This application having been heard on 06.02.2009 the Tribunal on the same day:delivered the following

(ORDER)

HON'BLE Mr GEORGE PARACKEN, JUDICIAL MEMBER

This application has been filed by the applicant against the

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Annexure A-1 letter dated 23.7.2007 by respondent no.4, namely, the Senior Superintendent of Post Offices, Aluva Postal Division, by which she has been informed that the Departmental Promotion Committee held on 20.11.2006 for placement under Time Bound One Promotion (in short TBOP) scheme did not recommend her case.

2 The respondents have filed a reply. The reasons given by them for not granting the TBOP to the applicant are that (i) the Departmental Promotion Committee (DPC for short) at its meeting held on 20.11.2006 and did not recommend her name because her overall performance was "average" for the last 4 years and "below average" for one year within the span of 5 years as recorded in the respective Confidential Reports; and (ii) a disciplinary action under Rule 14 of the CCS (CCA) Rules 1965 was pending against her. Accordingly, she was declared unfit for promotion.

3 We have heard Shri T C G Swamy for the applicant and Ms Jisha for Mr TPM Ibrahim Khan SCGSC on behalf of the respondents. We have also perused the entire CR dossiers of the applicant as made available by the Respondent. Learned counsel for the applicant drew our attention to the Annexure A-3 charge sheet dated 25.8.2005 issued to her by the fourth respondent which was as under:-

Article-I That Smt.P.Premalatha while working as Treasurer, Angamally on 4.12.2000 failed to ensure whether the SPM has locked the body lock of the Iron Safe with the key available with SPM, before locking the treasury cage and left the office without ensuring safety and joint custody of the cash. The SPM and the



Treasurer are jointly responsible for the safe custody of cash and valuables according to Rule 30(e) of FHB Vol.II read with Rule 84 of Postal Manual volume VI Part III and Rule 23(2) of Postal Manual Volume VI Part I and Rule 204A of Postal Manual Volume III. Thus, Smt P Premalatha had violated the above rules and her negligence resulted in loss of Rs.86,364.85 kept in Iron Safe of Angamally P.O. In burglary. She thus exhibited lack of devotion to duty infringing Rule 3(I)(ii) of CCS (Conduct) Rules 1964. "

4 The aforesaid charge sheet has resulted in the punishment order dated 29.12.2006 according to which an amount of Rs.40,000/- was ordered to be recovered from the pay of the applicant over a period of 40 months @ Rs.1000/- per month with immediate effect. The aforesaid penalty advice was challenged by the applicant in OA No.71 of 2007. The Tribunal vide order dated 20.8.2008 quashed and set aside the aforesaid order and ordered for refund of recovery, if any, made pursuant to the said penalty advice. In view of the above order, the second reason given by the DPC does not exist any more. Now, the only question is about her satisfactory performance during the years 2001-2002 to 2005-2006 the CRs of which have been considered by the DPC. From the records it is seen that the CR for the year 2001-02 contained an adverse entry to the effect that a disciplinary action initiated against her. Once the resultant disciplinary proceedings have been quashed and set aside by the Tribunal as Ruled above, the said adverse entry has become irrelevant and it has to be removed. Any grading based on the said adverse entry also has to be ignored. For the succeeding years 2002-2003, 2003-2004, 2004-2005 and 2005-2006 also her gradings were "average". It is, therefore, seen that the



assessment of the DPC^{had}/she had any below average grade during the aforesaid assessment years is not correct. In any case, since all the gradings given in her CRs for the period from 2002 to 2006 were influenced by the disciplinary proceedings initiated against her and also the subsequent penalty order which has been quashed and set aside by this Tribunal, the gradings given to her in her CRs for the period 2001-2002 to 2005-2006 cannot be sustained and they have to be upgraded.

5 In view of above position, we direct that the concerned authority to review her CR dossiers for the years 2001-2002 to 2005-2006 as if there were no disciplinary proceedings/punishment orders against her and grant her the appropriate gradings for the respective years within a period of six weeks from the date of receipt of the order. Thereafter, within further six weeks, the respondents shall convene a Review DPC in her case and re-assess her suitability for granting her TBOP on the basis of the CRs which have been reviewed as aforesaid. If the Review DPC finds her suitable for grant of TBOP, the respondents shall issue necessary orders granting her the TBOP from the date it was due to her with all consequential benefits including arrears of pay and allowances. There shall be no orders as to costs.


K.NOORJEHAN
ADMINISTRATIVE MEMBER


GEORGE PARACKEN
JUDICIAL MEMBER

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