

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

OA No. 506 of 1998

Wednesday, this the 1st day of April, 1998

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN  
HON'BLE MR. S.K. GHOSAL, ADMINISTRATIVE MEMBER

1. K.N. Soman,  
Higher Selection Grade II,  
Sorting Assistant,  
Sub Record Office, Kottayam. .. Applicant

By Advocate Mr. Siby J. Monippally

Versus

1. Director of Postal Services  
(P.M.G. Head Quarters),  
Southern Region, Kerala Circle,  
Thiruvananthapuram.
2. Senior Superintendent,  
Railway Mail Services,  
Trivandrum Division,  
Thiruvananthapuram. .. Respondents

By Advocate Mr. Sunil Jose, ACGSC

The application having been heard on 1-4-1998, the  
Tribunal on the same day delivered the following:

O R D E R

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The grievance of the applicant is that his promotion under the Time Bound One Promotion (TBOP) Scheme was unduly delayed as while, according to him, he would have been promoted under the TBOP Scheme in March, 1986 even excluding the period of suspension, he has been promoted only on 1-11-1989. The apparent reason appears to be that there has been a disciplinary proceedings pending against the applicant, which came to its conclusion on 27-5-1991. When the respondents treated the period of suspension as duty for the purpose of promotion under the

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Biennial Cadre Review (BCR) Scheme, the same period was not considered as duty for the purpose of promotion under the TBOP Scheme. This, according to the applicant, is an anomaly. The order dated 10-7-1992 by which the period of suspension was treated only for the purpose of BCR promotion was challenged by the applicant in an Appeal filed on 19-10-1996 only. The Appellate Authority by the impugned order, A-5, rejected the Appeal on the ground of limitation. The applicant is aggrieved by this order as also by the fact that even while avoiding the period of suspension, he would have been promoted under the TBOP Scheme in March, 1986, but his promotion has been unduly delayed. Therefore, he has filed this application impugning A-5 for the various reliefs as mentioned in paragraph-VIII of the OA.

2. When the application came up for hearing, we have heard the learned counsel on either side. It is true that there has been <sup>long</sup> ~~unduly~~ delay on the part of the applicant in preferring an Appeal against the order dated 10-7-1992. However, we are of the considered view that taking into account the basic facts and circumstances of the case, the Appellate Authority should have condoned the delay and disposed of the applicant's Appeal on merits. We notice that the applicant did not make out any ground for condoning the delay before the Appellate Authority. However, having heard the learned counsel on either side and in the circumstances of the case taking into account <sup>his case</sup> ~~the fact~~ that the denial of promotion to the applicant for a long time, if unjustified, <sup>and</sup> would create a setback in his service career, we are of the considered view that the Appellate Authority should be directed to consider the case on merits and dispose it off in accordance with law condoning the delay.


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3. In the light of what is stated above, we set aside A-5 and dispose of the application with a direction to the 1st respondent to consider the Appeal A-4 afresh and dispose it of on merits in accordance with law within a period of three months from the date of receipt of a copy of this order. No costs.

Dated the 1st of April, 1998



S.K. GHOSAL  
ADMINISTRATIVE MEMBER



A.V. HARIDASAN  
VICE CHAIRMAN

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LIST OF ANNEXURES

1. Annexure A-4 : Appeal filed by applicant before 1st Respondent dated Nil
2. Annexure A-5 : Proceedings No.ST/MP-8/97 dated 26-6-97 issued by 1st Respondent- Director of Postal Service Southern Region to the applicant.

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