

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.52/2007
Dated the 5th day of December, 2008

CORAM:

**HON'BLE Dr K.B.S.RAJAN, JUDICIAL MEMBER
HON'BLE Ms K NOORJEHAN, ADMINISTRATIVE MEMBER**

K.K.Ramachandran
HSG-II, Acting Post Master
Chalakudi Post Office,
Chalakudi, Thrissur District.

... Applicant

By Advocate Mr.K.T.Shyam Kumar

V/s.

- 1 Union of India represented by its Secretary, Ministry of Communications, New Delhi-1.
- 2 The Chief Post Master General, Kerala Circle, Thiruvananthapuram.
- 3 The Post Master General, Central Region, Kochi-16.
- 4 The Superintendent of Posts, Thrissur.

By Advocate Mr.C.M.Nazar ACGSC

This application having been heard on 5th December, 2008, the Tribunal on the same day delivered the following

(ORDER)

Hon'ble Dr.K.B.S.Rajan, Judicial Member

The applicant by this OA is seeking following reliefs:-

“I declare that the applicant is entitled to be promoted as HSG-1 in the Department of Posts in view of Annexure A7 order issued by the Government of India and in the absence of any departmental proceedings pending against him.

ii Direct the Respondents 2 to 4 to grant promotion to the applicant to the post of HSG-1 in the Department of Posts if necessary by reverting the junior most incumbent who has been granted promotion as HSG-1."

The applicant claimed himself to be belonging to Schedule Tribe community (Malaipandaram) and earlier the respondents had initiated proceedings in respect of false claim of applicant. On the intervention of the Hon'ble High Court vide order dated 12.6.2003, the proceedings initiated were canceled as the matter was remanded by the Hon'ble High Court to the Scrutiny Committee constituted under Section 11 of Act 11 of 1996. The said Committee furnished its report on 21.5.2005 (Annexure R-2) holding that the applicant does not belong to the community he claims. The applicant has moved the Hon'ble High Court in MFA 42 of 2005, the High Court granted stay the operation, implementation and all further proceedings in pursuant to the order dated 21.5.2005 (recommendations of the Scrutiny Committee). He was thereafter considered for officiating promotion as HSG-I and he continued in the same post (ofcourse under the direction of this Tribunal vide order dated 22.1.2007) till his retirement in May 2008. Counsel for respondents submitted that MFA 142 of 2005 is pending before the Hon'ble High Court. The case for regular promotion of the applicant has been kept in sealed cover which will be opened only after the MFA 142 of 2005 is decided by the Hon'ble High Court.

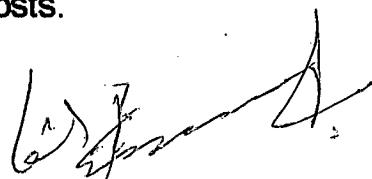
In view of the above position, as the applicant has already retired, no specific order can be issued by this Tribunal except that the

respondents may act on the sealed cover adopted by them depending on the outcome of the MFA pending before the Hon'ble High Court. With the above direction, the OA is disposed of. No costs.



K.NOORJEHAN
ADMINISTRATIVE MEMBER

abp



K.B.S.RAJAN
JUDICIAL MEMBER