

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

DATED THE 30TH DAY OF NOVEMBER ONE THOUSAND NINE HUNDRED
AND EIGHTY NINE

PRESENT

HON'BLE SHRI N. V. KRISHNAN, ADMINISTRATIVE MEMBER

&

HON'BLE SHRI N. DHARMADAN, JUDICIAL MEMBER

O.A. 57/89

K. Thrivikrama Panicker

Applicant

Vs.

1. The Director of Postal Services (HQrs)
Office of the Postmaster General,
Kerala Circle, Trivandrum now
designated as Addl. Postmaster General,
2. Postmaster General, Kerala Circle,
Trivandrum
3. Director General of Posts, Department
of Posts, New Delhi
4. Union of India represented by its
Secretary, Ministry of Communications,
New Delhi and

5. Supdt. of Post Offices, Mavelikkara

Respondents

M/s. O. V. Radhakrishnan,
K. Radhamani Amma & Raju K. Mathew

Counsel for the
applicant

Mr. K. Prabhakaran, ACGSC

Counsel for the
respondents

JUDGMENT

HON'BLE SHRI N. DHARMADAN, JUDICIAL MEMBER

The applicant, who is working at present as Asst.
Postmaster under the respondents, appeared for the qualifying
test held on 10.4.1978 for promotion to the Lower Selection
Grade (LSG) against 1/3rd quota of vacancies for the year
1977-78 and he came out successful and was brought to the

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list of qualifying officials published by the respondents under P & T TV letter No. Rectt/10-5/78 dated 8.5.1979.

The applicant is placed at serial number 85, but only officials upto serial number 57 were promoted against the vacancies of 1977-78. In accordance with Rule 272-A of the P & T Manual Vol. IV the unabsorbed candidates included in the approved list would be absorbed first in the vacancies of the next year and the vacancies of the next year will be correspondingly reduced by the number of approved officials appointed in this manner.

Nevertheless the vacancies of 1979 earmarked for selection in this manner were not filled up by the respondents as required under Rule 272-A of the P & T Manual Vol. IV.

2. Hence under the above circumstances, the applicant filed this application on 23.1.1989 under Section 19 of the Administrative Tribunals Act, 1985 for a direction to the respondents to promote the applicant with effect from 25.9.1979 to the LSG cadre on the basis of his entitlement as found by the respondents in Annexure-2, revised seniority list, with all other attendant benefits.

3. Today when the case was taken up for hearing both the learned counsel appearing on behalf of the applicant and respondents submitted that an identical question came up for consideration before this Tribunal in O.A. K-8/88 and it was allowed by this bench in which

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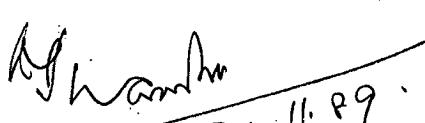
one of us (Hon'ble Shri N. Dharmadan) was a party, as per the decision rendered in that case on 31st August, 1989.

The relevant portion in the judgment reads as follows:

" From the exhibit at A-7 it is clear that all these officials who had been promoted against the 1/3rd Quota of 1979 were given retrospective promotion with effect from 25.9.79 were given retrospective promotion with effect from 25.9.79. The respondents in their counter affidavit have not been able to explain the reasons for the denial to the applicant the benefit of this order. It will be discriminatory if some empanelled officers against the 1979 vacancies should be given retrospective promotion with consequential benefits from 25.9.79 in accordance with the judgment of the Tribunal while others like the applicant who were not before the Tribunal earlier but identically placed and even senior to them, should be promoted from a later date against the 1979 vacancies."

4. Accordingly, we follow the said judgment in this case and allow this application with the direction that the applicant should be promoted to the Lower Selection Grade cadre with effect from 25.9.1979 with all consequential benefits of pay, allowances, seniority, etc. including arrears. The respondents shall comply with this direction within a period of four months from the date of receipt of the copy of this judgment. The application is allowed in the above manner.

5. There will be no order as to costs.


(N. Dharmadan)
Judicial Member

30.11.89


(N. V. Krishnan)
Administrative Member

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