

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. 567/95

FRIDAY, THIS THE 4TH DAY OF OCTOBER, 1996.

CORAM:

HON'BLE MR. P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

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

K. Kamalasanan Pillai
Postmaster (Biennial Cadre Review)
Punalur Head Post Office.

...Applicant

By Advocate Mr. O.V. Radhakrishnan

Vs.

1. Director General of Posts,
Department of Posts, New Delhi.
2. Chief Postmaster General,
Kerala Circle,
Thiruvananthapuram.
3. Director of Postal Services,
Southern Region, Office of the
Postmaster General, Trivandrum.
4. Union of India represented by its Secretary,
Ministry of Communications, New Delhi. ..Respondents

By Advocate Mr. T. R. Ramachandran Nair, ACGSC.

The application having been heard on 4th October, 1996
the Tribunal on the same day delivered the following:

O R D E R

P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER.

Applicant while working in the Lower Selection Grade (LSG) cadre was promoted to the Higher Selection Grade (HSG) cadre on 1.10.91 by order A2 dated 19.1.95. His grievance is that his junior one P.V. Sreedharan Nambeesan was promoted to HSG on 10.5.88 by A3 order.

2. Respondents state that P.V. Sreedharan Nambeesan was given earlier promotion since he was confirmed in the LSG on an

earlier date namely 2.12.81 whereas some other officials could not get confirmation due to pendency of cases in various courts.

3. Learned counsel for applicant pointed out that in the case of another similarly situated person, the Tribunal in O.A. 1092/92 held that the decision of the Department to make confirmation only after fusion of two lines and grant further promotion on that basis is contrary to the decision of the Supreme Court. The Tribunal further directed respondents to review the promotion of applicant therein taking his seniority into consideration for promotion to HSG with consequential benefits.

4. We find from the impugned order that the facts in this case have not been distinguished from the facts in O.A. 1092/92. On the other hand, the stand taken in the impugned order A7 is that the benefits of that judgment were limited only to the parties in that case.

5. We find that what was stated in O.A. 1092/92 by the Tribunal that the seniority in the LSG should be the basis for promotion to HSG and not the date of confirmation in the LSG applies with equal force to the present case. In the light of that decision, the impugned A7 order is quashed. Learned counsel for applicant submits that Respondents 2 & 3 are competent to pass appropriate orders in the case of applicant. Accordingly, we direct Respondents 2 & 3 to consider the case of applicant for promotion to HSG with effect from the date from which Shri P.V. Sreedharan Nambesan was promoted, in the light of the decision of the Tribunal in O.A. 1092/92 and pass appropriate orders within three months of today. After such orders are passed, applicant will be granted consequential benefits such as seniority and arrears of

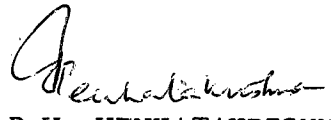
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pay.

6. Application is disposed of as aforesaid. No costs.

Dated the 4th October, 1996.


A.M. SIVADAS
JUDICIAL MEMBER


P.V. VENKATAKRISHNAN
ADMINISTRATIVE MEMBER

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