

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

OA No.83/97

Thursday the 1st day of June, 2000.

CORAM

HON'BLE MR A.M.SIVADAS, JUDICIAL MEMBER  
HON'BLE MR G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

G. Pavithran  
S/o N.Govindan  
Superintendent of Post Offices  
Kannur, residing at  
Solemn House, Palayamkunnu P.O.  
Varkala .

....Applicant

By advocate Mr M.R.Rajendran Nair

Versus

1. The Director General (Post)  
Dak Bhavan, Sansad Marg  
New Delhi.
2. The Chief Post Master General  
Kerala Circle  
Trivandrum.
3. C. Sivadasan,  
Senior Superintend, R.M.S.  
Ernakulam.
4. Union of India represented by  
the Secretary to the Government of India  
Ministry of Communication  
New Delhi.

...Respondents

By advocate Mr James Kurian, ACGSC

The application having been heard on 1st June, 2000, the Tribunal on the same day delivered the following:

O R D E R

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


Applicant seeks to quash Annexure A-6 and to declare that he is entitled to be considered for promotion to the cadre of Postal Service Group-B, in accordance with law and direct the respondents to promote him to the cadre of Postal Service Group 'B' with effect from the date of promotion of his juniors including Mr K.Rajan.

2. Applicant is aggrieved by the denial of promotion to the cadre of Postal Service Group 'B' while his juniors were given such promotion. As per the seniority list of Postal Inspectors

(All India), applicant is rank No.61. A list of 125 candidates was published as per order dated 3.11.95 appointing them to officiate on regular basis in Postal Service Group 'B'. The applicant's name is not included in the said list. From Sl.No.52 onwards, all employees are juniors to the applicant. The applicant was awarded a punishment of censure in the year 1992. His junior Mr K.Viswanathan was awarded a punishment of reduction of pay by one stage for a period of one year with effect from 6-3-1995 and he was promoted.

3. Respondents 1 & 2 contend that as per the Departmental Promotion Committee's guidelines, the penalty imposed on an official is no bar for promotion. Even where the Departmental Promotion Committee recommends that despite penalty, if the official is suitable for promotion, he should be promoted after expiry of currency of penalty.

4. We directed the learned counsel appearing for the official respondents to produce the confidential reports of the applicant for the relevant period. The file has been produced but it does not contain the confidential reports of the applicant for the period from 1-4-1994 to 19-12-94. The file of the D.P.C. held for the relevant period was also produced. It is not known whether the confidential report of the applicant for the period from 1-4-1994 to 19-12-94 was also taken into consideration by the D.P.C. while assessing the comparative merit of the persons concerned. As the file produced does not contain the confidential reports of the applicant for the period from 1-4-94 to 19-12-94 and there is nothing in the file produced before us to show that the confidential report of the applicant for the said period was also taken into consideration for the purpose of

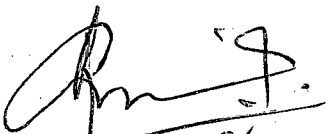


assessment of the comparative merit. It cannot be said that there was a proper assessment by the D.P.C. held in October, 1995. That being the position, it is necessary to direct the official respondents to convene a fresh D.P.C. to consider the case of the applicant with the confidential reports for the relevant period including the confidential report for the period from 1-4-94 to 19-12-94.

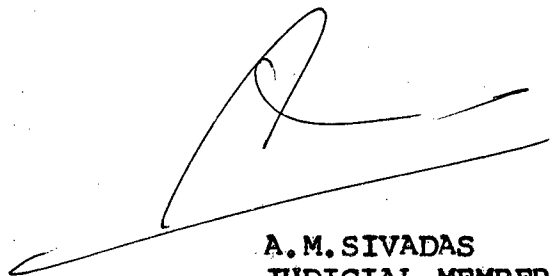
5. Accordingly, the official respondents are directed to convene a fresh Departmental Promotion Committee within a period of six months from today and consider the applicant's case for promotion to the cadre of Postal Service Group 'B', after assessing his merit with reference to the confidential reports and other relevant aspects for the relevant period and in accordance with law.

The OA is disposed of as above.

Dated 1st June, 2000.



G. RAMAKRISHNAN  
ADMINISTRATIVE MEMBER



A. M. SIVADAS  
JUDICIAL MEMBER

aa.

Annexure referred to in this order:

A-6: True copy of the order No.9-62/95-SPG dated 14.8.96 issued on behalf of 1st respondent.