

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. NO. 115 OF 2011

Thursday, this the 25th day of August, 2011

CORAM:

**HON'BLE Mr.JUSTICE P.R.RAMAN, JUDICIAL MEMBER
HON'BLE Mr. K.GEORGE JOSEPH, ADMINISTRATIVE MEMBER**

K.Thrivikrama Panicker
Retired Postmaster (HSG-II)
Kayamkulam Post Office
Residing at Govinda Mangalam
Cheravally, Kayamkulam – 690 502

... Applicant

(By Advocate Mr. B.Unnikrishna Kaimal)

versus

1. Union of India represented by the
Secretary to the Government of India
Ministry of Communications
(Department of Posts)
New Delhi - 110 001
2. The Chief Postmaster General
Kerala Circle, Thiruvananthapuram – 695 033
3. The Director of Postal Services (Head Quarters)
Office of the Chief Postmaster General
Kerala Circle, Thiruvananthapuram – 695 033 ... Respondents

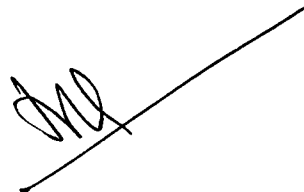
(By Advocate Mr. Varghese P Thomas, ACGSC)

The application having been heard on 25.08.2011, the Tribunal on the same day delivered the following:

ORDER

HON'BLE Mr.JUSTICE P.R.RAMAN, JUDICIAL MEMBER

The applicant is a retired employee of the Postal Department. He made a representation before the 2nd respondent seeking to ante date the promotion to Higher Selection Grade – II with effect from 03.06.1988, the date of promotion granted to his juniors and for consequential promotion in the category of Higher Selection Grade I with effect from 26.10.1995 and other financial benefits.



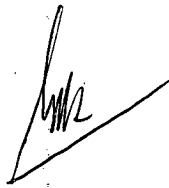
2. The applicant commenced service in the Postal Department as Postal Assistant on 27.05.1965. Later he was promoted to Lower Selection Grade on 30.11.1983. He was also given retrospective promotion in the cadre of Lower Selection Grade with effect from 25.09.1979 based on an order of this Tribunal in OA 57/89. The applicant is included in the gradation list of Lower Selection Grade at Sl.No.274. Annexure A-1 is the copy of the gradation list. The Lower Selection Grade officials are eligible for promotion to the Higher Selection Grade II and there to Higher Selection Grade I based on seniority and eligibility. He was promoted to the cadre of Higher Selection Grade II on 01.01.1991 and in the year 2002, he was posted to officiate in the cadre of Higher Selection Grade I. He is at Sl.No.85 in the gradation list. Annexure A-2 is the copy of the gradation list. He subsequently retired voluntarily on 01.11.2002 while officiating in the post of Higher Selection Grade I. He came to know that many of his juniors in the category of Lower Selection Grade had been given promotion to Higher Selection Grade II, A-1 with effect from 26.10.1995 and as Higher Selection Grade I with effect from 03.06.1988. Annexure A-3 is the copy of the order. Seeking similar benefits the applicant has filed Annexure A-10 representation. It is his case that retrospective promotion were given to the others based on a judgment in OA 1292/96. It is settled law that if the applicant is satisfying all the requisite conditions and similarly placed juniors based on an order passed by this Tribunal, is given any benefit without waiting for a candidate to approach this Tribunal the decision should have been uniformly applied to all unless the same is under challenge in higher Court. Now the representation is pending consideration. We have no doubt in our mind merely for the reason that the applicant has not moved an OA before this



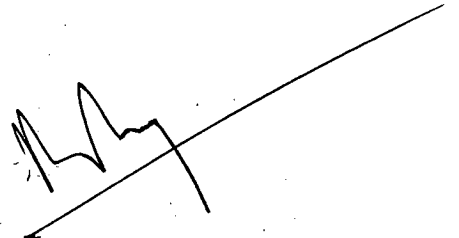
Tribunal, will not be a ground to refuse the relief if he is otherwise similarly situated with that of his juniors. We direct that Annexure A-10 representation be disposed of by the 2nd respondent as expeditiously as possible, at any rate, within two months from the date of receipt of a copy of this order. A copy of the order along with a copy of OA containing Annexure A-10 be produced by the applicant to the 2nd respondent for information and compliance.

3. OA is disposed of as above. No costs.

Dated, the 25th August, 2011.



K GEORGE JOSEPH
ADMINISTRATIVE MEMBER



JUSTICE P.R. RAMAN
JUDICIAL MEMBER

VS