

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.NO.142 OF 2008

Wednesday, this the <sup>16<sup>th</sup></sup> day of April, 2008

**CORAM :**

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

R.Radhakrishnan Nair  
Working as Supervisor SBCO  
Head Post Office, Aluva - 683 101  
Residing at : Sindooram,  
Pazhaveedu P.O  
Alappuzha - 688 009 : **Applicant**

(By Advocate Mr.O.V.Radhakrishnan, Senior with Mr.Antony Mukkath)

vs.

1. Chief Postmaster General  
Kerala Circle  
Thiruvannathapuram - 695 033
2. Director of Postal Services (HQ)  
Office of the Chief Postmaster General  
Kerala Circle  
Thiruvannathapuram - 695 033
3. Union of India represented by its Secretary  
Ministry of Communications & IT  
Dak Bhawan, New Delhi - 110 001 : **Respondents**

(By advocate Mr. S.Anilash, ACGSC)

The application having been heard on 11.04.2008, the Tribunal on 16.04.2008 delivered the following :-

**ORDER**

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

The applicant joined the service on 1st February, 1971 as UDC.

Later on he was promoted to the Grade of Supervisor in lower selection grade with effect from 20.10.1986. On 30.05.2007 the applicant was granted ad-hoc promotion in Higher Selection Grade - II for a period of one year and the promotion to the aforesaid post was made regular with effect from 01.01.2008. The next promotional post is HSG - I. The applicant is due to superannuate on 30.04.2008.

2. As per the Recruitment Rules, the minimum period of service in HSG - II for promotion to HSG - I is three years. However, the said rule has been under revision vide Annexure A-4. Pending the revision, it was proposed to the DOPT to allow Department to fill up vacant HSG- I post from amongst officers holding the HSG - II norm based posts on regular basis in relaxation of the existing rules. DOPT agreed as a special case to allow to fill up the existing vacancies by promotion of the officers holding HSG - II norm based posts on regular basis (without prescription of any minimum service in HSG-II) on purely ad-hoc basis for a period of one year or till the Recruitment Rules are notified and appointments are made according to the revised Recruitment Rules whichever is earlier. On the basis of the above provisions/relaxation, one Shri K.B. Sivaraman was given ad-hoc promotion to the cadre of HSG-I Supervisor vide Annexure A-5 order. The said Sivaraman superannuated in December, 2007. The applicant being the seniormost and only one HSG-II Supervisor in the circle made representation for promotion to the post of HSG-I vide Annexure A-6 representation dated 21.12.2007. This was followed by another representation dated 10.02.2008 as by the time the applicant became regular HSG-II. The respondents have rejected the representation vide Annexures A-7 & A-9 orders stating that the applicant does not have the requisite service of HSG-II for promotion to the cadre of HSG-I. Being aggrieved by the rejection of his representation, the applicant has approached this Tribunal praying for quashing of Annexures A-7 & A-9 orders and for a direction to the respondents to consider the applicant for promotion to the cadre of HSG-I with effect from 01.01.2008 on ad-hoc basis in terms of Annexure A-4 Government letter dated 20.11.2006 and for further consequential benefits arising therefrom.

3. Respondents have contested the O.A. The facts of the case have been by and large admitted and the only contention of the respondents is that Annexure A-4 is an order which relates to the then existing vacancies and promotion to those vacancies were further restricted to one year only. Thus according to the respondents the relaxation contained in the aforesaid Annexure A-4 order may not be extended to future vacancies.

4. Counsel for applicant submitted that the necessity for relaxation of the condition relating to experience in HSG-II arose as the Recruitment Rules which were under revision have not been revised. The spirit of Annexure A-4 order, according to the applicant's counsel has to be taken that till such time Recruitment Rules were revised vacancy to the cadre of HSG-I shall be filled from amongst HSG-II on purely ad-hoc basis with a stipulation that such promotion shall be for a period of one year or till the recruitment Rules were revised whichever is earlier. Counsel for respondents submitted that the applicant does not fulfill the conditions of minimum years of experience and hence he was not considered for promotion to the cadre of HSG-I.

5. Arguments were heard and documents perused. From the records it is clear that as per Recruitment Rules under revision the minimum period of service of HSG-II is three years. However, the said Recruitment Rules being under revision, his requirement was not insisted as per order dated 20.11.2006. In pursuance of the aforesaid Annexure A-4 order, Sivaraman K.B. Was considered for such promotion without insisting the experience part. The said Annexure A-4 nowhere indicates that the said relaxation is an one time relaxation. Presumably the DOPT would have expected that revision of Recruitment Rules would be complete within

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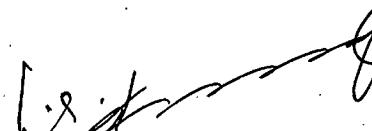
one year and on account of the same only, relaxation was allowed in such a fashion that promotion as HSG-I would be purely on ad-hoc basis for a period of one year or till the rules are notified and appointments are made according to the revised Recruitment Rules whichever is earlier. That one year period was already over but Recruitment Rules have not been revised. Hence there being a vacancy to the Grade of HSG-I the said order dated 20.11.2006 shall have to be pressed into service again and the applicant being the lone individual in HSG-II on regular basis should be considered.

6. In view of the above, the O.A succeeds. It is declared that the applicant is eligible for consideration to the post of HSG-I on ad-hoc basis. As the applicant is retiring by 30th April, 2008 and in case of promotion as HSG-I, the same will have recurring financial impact upon the monthly pension that the applicant would be drawing in addition to the increase in his terminal benefits, respondents are directed to consider the case of the applicant for promotion to the post of HSG-I without insisting the experience part and if otherwise found suitable, orders be passed promoting the applicant to the said grade of HSG-I and offer him the consequential benefits arising therefrom. This exercise shall be completed before 25.04.2008 and necessary orders passed accordingly. No costs.

Dated, the 16<sup>th</sup> April, 2008



K.S. SUGATHAN  
ADMINISTRATIVE MEMBER



K.B.S. RAJAN  
JUDICIAL MEMBER