

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

O.A.No.191/10

Wednesday this the 22<sup>nd</sup> day of June 2011

**C O R A M :**

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

C.P.Shobhana,  
D/o.C.P.Kannan,  
Sub Post Master,  
Lower Selection Grade,  
Etakkad – 670 663, Kannur.

...Applicant

(By Advocate Ms.R.Jagada Bai)

**V e r s u s**

1. Union of India represented by the Secretary, Department of Posts, New Delhi.
2. Chief Postmaster General, Kerala Circle, Thiruvananthapuram.
3. Director of Postal Services (Head Quarters), Kerala Circle, Office of the Chief Postmaster General, Kerala Circle, Trivandrum.
4. Smt.Leena Chandran, Sub Post Master, Lower Selection Grade, Tiruvalla Postal Division, Tiruvalla.

...Respondents

(By Advocate Mr.Sunil Jacob Jose,SCGSC [R1-3])

This application having been heard on 22<sup>nd</sup> June 2011 this Tribunal on the same day delivered the following :-

**O R D E R**

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

The applicant was appointed as Time Scale Postal Assistant in Kannur Postal Division with effect from 2.3.1977. The applicant seeks to quash Annexure A-2 order of promotion issued by the 3<sup>rd</sup> respondent



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promoting 238 BCR officials including the 4<sup>th</sup> respondent to the cadre of Lower Selection Grade in the scale of pay of Rs.4500-7000 vide Memo No.ST/5-2/Dlgs/07 dated 3.5.2007 and also to quash Annexure A-4 order. According to the applicant, even though by Annexure A-4 order she was also promoted along with 128 BCR officials to the Lower Selection Grade her due seniority was not considered. According to the applicant, she is entitled to be promoted much prior to the promotion of the 4<sup>th</sup> respondent. In that view of the matter, it is contended that Annexure A-4 order to the extent that it has denied promotion from an earlier date is bad. According to the applicant, the 4<sup>th</sup> respondent is junior to her but was offered the cadre of Lower Selection Grade overlooking her seniority.

2. The respondents would contend that seniority of the applicant was considered from the date of confirmation. Therefore, the question that would arise for consideration is as to whether seniority of the applicant is liable to be counted from the date of regular appointment or only from the date of confirmation. This issue is no longer res-integra in view of the decision of the Apex Court in Direct Recruit Class II Engg. Officer's Assn. Vs. State of Maharashtra (AIR 1990 SC 1607) followed in by this Tribunal in O.A.777/07 – K.M.Mukthamani Vs. Union of India and others, O.A.1024/00 – S.Janardhanan and others Vs. Assistant Director (Staff) and others and also in O.A.243/09 – P.P.Bhaskaran Vs. Union of India and others produced as Annexure M.A.1. As per order passed by this Tribunal in O.A.243/09 which followed earlier decision on the point and held as follows :-

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"8. .... In our view, this OA is fully covered by the decisions of this Tribunal in OA 777/07 (supra) which was based on the earlier two decisions of this Tribunal in OA 314/07 and OA 408/07 (supra) wherein it has been declared that the promotion to the LSG cadre is to be made on the basis of merit position in the initial grade of appointment and ordered to conduct a review promotion. Accordingly, the Annexure A-7 letter dated 24.7.2007 of the 4<sup>th</sup> respondent rejecting the claim of the applicant for promotion to the cadre of Lower Selection Grade at par with his juniors is quashed and set aside. The respondents shall hold the review of promotion made vide Annexure A-5 order dated 3.5.2007 and modify the Annexure A-8 order dated 3.10.2008 suitably antedating the promotion of the applicant to the cadre of Lower Selection Grade within a period of three months from the date of receipt of a copy of this order. There shall be no order as to costs."

3. In the above view of the matter since this Tribunal has already ordered to take a review of the promotion, existing seniority to the extent it adversely affected the interest of the applicant cannot stand. The seniority of the applicant will be counted from the date on which regular appointment is made and not from the date confirmation. Accordingly, we declare that the Annexure A-2 promotional order in favour of the 4<sup>th</sup> respondent to the extent it has ignored the claim of the applicant overlooking her seniority is liable to be set aside. The official respondents will do the review of the promotion based on the revised seniority in terms of the similar orders passed by this Tribunal to which reference is already made. O.A is allowed as above.

(Dated this the 22<sup>nd</sup> day of June 2011)

  
**K.GEORGE JOSEPH**  
**ADMINISTRATIVE MEMBER**

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**JUSTICE P.R.RAMAN**  
**JUDICIAL MEMBER**