

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.207/08

Friday this the 5th day of September 2008

C O R A M :

**HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER
HON'BLE Dr.K.S.SUGATHAN, ADMINISTRATIVE MEMBER**

K.G.Balakrishnan,
S/o.late K.T.Govindan,
Officer of Special Duty (Officiating),
O/o.the Postmaster General,
Northern Region, Calicut.
Residing at 'Viswa Hindu Bhavan Hostel,
Chalappuram, Calicut – 673 002.

...Applicant

(By Advocate Mr.Shafik M.A.)

Versus

1. Union of India represented by Secretary/
Director General, Department of Posts,
Dak Bhavan, Sansad Marg, New Delhi.
2. The Chief Postmaster General,
Kerala Circle, Trivandrum – 33.

...Respondents

(By Advocate Mrs.Mini R Menon,ACGSC)

This application having been heard on 5th September 2008 the
Tribunal on the same day delivered the following :-

O R D E R

HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER

The applicant has filed the present O.A seeking the following
reliefs :-

1. To call for the records relating to Annexure A-1 to Annexure A-4 and to declare that the applicant is also entitled for promotion to PSS Group B along with his batch mates of 1981 and is to be included in Annexure A-3 notification based on his passing the test for IPO/IRMs in 1981 as can be seen from Annexure A-1.



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2. To direct the respondents to promote the applicant also to PSS Group B along with 1981 batch of officials covered by Annexure A-3 notification with effect from the date on which the officials in Annexure A-3 joined with all consequential benefits including arrears of salary with 12% interest on delayed payment.

3. To issue such other appropriate orders or directions this Hon'ble Court may deem fit, just and proper in the circumstances of the case and

4. To grant the costs of this Original Application.

2. Respondents have filed a reply statement and in paragraphs 5, 6, 7 & 8 of the reply statement it is stated as under :-

"5. Regarding averments in para 4.4 of the O.A, it is submitted that the seniority of the officer has been fixed among the 1981 batch of IPO/IRM officers between serial Nos.555 and 556 of the list on page 8 of Annexure A-2 i.e. between the names of Sri.Pooran Singh Meena of Uttar Pradesh Circle and Sri.D.S.Suryan of Madhya Pradesh Circle. As already submitted, the first respondent has taken action to re-fix his seniority in the 1981 batch list of IPO/IRM officers for which A1 order has duly been considered.

6. As regards para 4.6, it is humbly submitted that the representation dated 26.11.2007 furnished as Annexure A-4 in the O.A was already forwarded by the second respondent to the first respondent on 14.12.2007. The representation has been duly considered by the first respondent and action has been taken to re-fix his seniority in 1981 batch of officials promoted to IPO/IRM cadre. A review DPC will be held after considering the objections received with reference to the changes made in the list for promotion of the applicant to PSS Group B. The grievances of the officer will be so redressed at the earliest possible.

7. With regard to Grounds A & B in para 5 of the O.A, it is humbly submitted that there has been no wilful refusal on the part of the respondents to grant him his due promotion. Nor there is any element of arbitrariness or illegality as alleged. The non inclusion of the name of the officer in the seniority list of IPO/IRM officials of 1981 batch was an inadvertent omission that had occurred in the circumstances that he had passed the examination in the year 1982 also and his seniority was included in the draft list of that year and orders declaring him as having qualified in the examination held in 1981 as per relaxed standards were issued as per Annexure A-1 afterwards in 1983. This has since been rectified on receipt of representation from the applicant vide Annexure R-1 circular

.3.

addressed to all Heads of Circles and other establishments concerned. There has been no refusal at all on the part of the respondents to incorporate his due seniority in the relevant seniority list. The allegations against the respondents are therefore without any valid grounds.

8. As regards Ground C, it is submitted that in fact, as already stated, the respondents have taken necessary action to give the applicant his due seniority by incorporating his name in the Annexure A-2 seniority list. His case for promotion accordingly will be considered by a review DPC for which some more time is actually required and there is no refusal on the part of the respondents to grant him the due promotion. The first respondent's office is grappled with the situation and will be taking proper follow up in order to see that the case is finalised as soon as possible."

3. In view of the aforesaid reply statement by the respondents, no further direction is required in this case except that they should complete the process of promotion within a period of two months from the date of receipt of a copy of this order. The O.A is disposed of accordingly. There shall be no order as to costs.

(Dated this the 5th day of September 2008)



K.S. SUGATHAN
ADMINISTRATIVE MEMBER



GEORGE PARACKEN
JUDICIAL MEMBER

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