

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.255/2000.

Thursday this the 13th day of June 2002.

CORAM:

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER

1. P.Krishnan Nair, PA(CO), Office of PMGm
Calicut-673 011.
2. P.Chandramathi, D/o Sri Narayanan Nair,
PA(CO), Office of PMG, Calicut.
3. K.Mammo, PA(CO), Office of PMG,
Calicut.
4. N.K.Rameshkumar, PA(CO),
Office of PMG, Calicut. Applicants

(By Advocate Shri M.R.Rajendran Nair)

vs.

1. The Chief Postmaster General,
Kerala Circle, Trivandrum.
2. The Post Master General, Northern Region,
(Kerala), Calicut-673 011.
3. Union of India represented by Secretary,
Department of Posts,
Dak Bhavan, Sansad Marg,
New Delhi-110 001. Respondents

(By Advocate Shri P.M.M.Najeeb Khan, ACGSC)

The application having been heard on 13th June, 2002 the Tribunal on the same day delivered the following:

ORDER

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN

The applicants four in number who are working as Postal Assistants in the Office of the Postmaster General, Calicut have filed this application aggrieved by the orders at Annexures A-4 and A-7 by which their claim for promotion under Time Bound One Promotion (TBOP for short) on par with Mr. Satheesh Kumar P and Mr. Bhadrakumar VR who are juniors to them in the seniority list of Postal Assistants (A1) has been rejected. The applicants have

alleged in the application that according to the instructions on the subject, when a junior is given promotion under TBOP/BCR schemes, their senior should also be given promotion and that the denial of the benefits to them is wholly unjustified. Therefore, they have filed this application seeking to set aside the Annexures A-4 and A-7 orders for a declaration that they are entitled for promotion to the cadre of Lower Selection Grade Postal Assistants (Circle Office) under TBOP scheme w.e.f. 30.7.1998 and for a direction to the respondents to promote them accordingly and grant them all consequential benefits.

2. The respondents in their reply statement contend that, Shri Bhadrakumar and Shri Satheesh Kumar got their services counted w.e.f. 25.7.1982 and 27.7.1982 respectively, on the basis of the order of the Tribunal in O.A.1410/95, whereas the applicants' services in the grade commenced only later. Since the applicants did not complete 16 years of service on 30.7.1998 they are not entitled to the benefit of TBOP Scheme on par with the said Bhadrakumar and Satheesh Kumar, contend the respondents. The respondents also placed reliance on the clarification issued by the Director General of Posts on 17.5.2000 (Annexure R-2) clarifying the eligibility for placement under the TBOP scheme which does not depend on seniority but on the date of completion of 16 years of service.

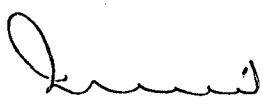
3. We have considered an identical issue recently in S.Janardhanan & Others Vs. Assistant Director (Staff) and others (O.A.1024/00). After consideration of the entire rules and instructions on the subject, it was held that the seniority and

an

eligibility are two different aspects and placement under the TBOP scheme would be due to a person only on completion of 16 years of service in the entry grade even if his junior would have got it earlier on completion of the period. As the issue is identical, we follow the above decision. The applicants, therefore, are not entitled to the relief sought.

4. In the light of what is stated above, finding no merit the O.A. is dismissed leaving the parties to bear their own costs.

Dated the 13th June 2002.


T.N.T. NAYAR
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

rv

APPENDIX

Applicant's Annexures:

1. A-1: True copy of the letter No.ST/GL/CO/979(KW), dated 7.5.1999 issued by the 1st respondent and the relevant portion of the Gradation List of the Postal Assistance.
2. A-2: True copy of the order No.ST/300/2/99, dated 13.4.99 issued by the Assistant Director (Staff), Office of the 1st respondent.
3. A-3: True copy of the representation dated 13.7.99 submitted by the 3rd applicant to the 1st respondent.
4. A-4: True copy of the letter No.Staff/57/Digs/PA(CO) Pt., dated 22.10.99 issued by the 2nd respondent.
5. A-5: True copy of the order No.ST/300/2/96, dated 14.3.97 issued by the Assistant Director (Staff), Office of the 1st respondent.
6. A-6: True copy of the representation dated 22.10.99 submitted by the 1st applicant to the 1st respondent.
7. A-7: True copy of the order No.Staff/57/Digs/AP(CO), dated 25.1.2000, issued by the 2nd respondent.
8. A-8: True copy of the representation dated 31.1.2000 submitted by the 4th applicant to the 1st respondent.
9. A-9: True copy of the letter No.2-5/95-PE.I dated 8.2.96 issued by the Assistant Director General, O/o the 3rd respondent.
10. A-10: True copy of the letter No.22-5/95-PE.I dated 3.8.97 issued by the Assistant Director General, O/o the 3rd respondent.
11. A-11: True copy of the order No.ST/300/2/99, dated 22.2.2000 issued by the Assistant Director (Staff)

Respondents' Annexures:

1. R-1: The photocopy of the common order O.A.No.1178/96 & Other cases dated 30.9.99 passed by the Hon'ble CAT.
2. R-2: Copy of the revised guide lines/instructions No.22-6/2000-PE.I dated 17.5.2000 issued by D.G.Posts, New Delhi.
3. R-3: Photocopy of the judgement dated 24.1.2000 in O.P.No.20022/97 issued by the Hon'ble High Court.
4. R-4: Copy of the letter No.ST/300/2/99 dated 13.10.99 issued by the 1st respondent.
5. R-5: Photocopy of the letter No.44-60/96-SPB.II dated 24.9.96 issued by the Ministry of Communications.

npp
20.6.02