

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.As. 880/93, 80/92, 121/92, 151/92, 203/92,
232/92, 284/92, 439/92, 481/92, 676/92, 103/92,
167/92, 280/92, 745/92, 786/92, 169/92, 171/92,
260/92, 889/92, 433/92 and 1185/93.

Date of decision: 27-7-1993

OA 880/93

- 1 A Damodaran
- 2 AH Raman

Applicants

M/s MR Rajendran Nair & MM Jose

Advocate for applicants

Versus

- 1 The Senior Superintendent of Post Offices, Trichur Division, Trichur.
- 2 The Director General of Posts, New Delhi.
- 3 Union of India rep. by Secretary, Ministry of Communications, Department of Posts, New Delhi

Respondents

Mr KL Joseph, ACGSC

Advocate for respondents

OA 80/92

- 1 V Prabhakaran
- Mr KS Bahuleyan

Applicant

Advocate for applicant

Versus

- 1 Union of India rep. by the Director General of Posts, Dak Bhavan, New Delhi.
- 2 The Postmaster General, Northern Postal Region, Nadakkav P.O., Calicut-11.
- 3 The Senior Superintendent of Post Offices, Palghat Division, Palghat- 678 001.

- 4 C Kumaran, Lower Selection Grade Postal Assistant, Coyalmanna.

Mr GCP Tharakan, SCGSC

Respondents

Advocate for respondents

OA 121/92

- 1 V Manikkan
- Mr KS Bahuleyan

Applicant

Advocate for applicant

Versus

- 1 Union of India rep. by the Director General of Posts, Dak Bhavan, New Delhi

Respondents.. contd..p/12

- 2 The Postmaster General,
Northern Postal Region,
Nadakkav P.O, Calicut-11.
- 3 The Senior Superintendent
of Post Offices, Palghat Division,
Palghat Division, Palghat-678 001.
- 4 Liaison Officer for SC/ST &
Director of Postal Services(HR),
Office of the Chief Postmaster
General, Kerala Circle,
Trivandrum.

Respondents

Mr George CP Tharakan, SCGSC

Advocate for respondents

DA 151/92

- 1 PG Viswanathan
- 2 MK Sivan

Applicants

Mr KS Bahuleyan

Advocate for applicants

Versus

- 1 Union of India rep. by the
Director General of Posts,
Dak Bhavan, New Delhi.
- 2 The Postmaster General,
Central Region, Kochi-682 016.
- 3 The Senior Superintendent of
Post Offices, Ernakulam Division,
Kochi- 682 011.
- 4 Liaison Officer for SC/ST &
Director of Postal Services (HQ),
Office of the Postmaster General,
Kerala Circle, Trivandrum

Respondents

Mr George Joseph, ACGSC

Advocate for respondents

DA 203/92

PV Shanmugham

Applicant

Mr KS Bahuleyan

Advocate for applicant

Versus

- 1 Union of India rep. by the
Director General of Posts,
Dak Bhavan, New Delhi.
- 2 The Postmaster General, Central
Region, Kochi-682 016.
- 3 The Senior Superintendent of
Post Offices, Ernakulam Division,
Kochi-682 011

Respondents

Mr K Karthikeya Panicker, ACGSC

Advocate for respondents

OA 232/92

- 1 PK Divakaran
- 2 AN Gopinathan Nair

Applicants

Mr KS Bahuleyan

Advocate for applicants

Versus

- 1 Union of India rep. by the
Director General of Posts,
Dak Bhavan, New Delhi.
- 2 The Postmaster General,
Central Region, Kochi-682 016.
- 3 The Senior Superintendent of
Post Offices, Kottayam Division,
Kottayam-686 001.

Respondents

Mr George CP Tharakan, SCGSC

Advocate for respondents

OA 284/92

- 1 KB Padmavathy Amma
- 2 IS Nandakumar
- 3 MS Nataraj
- 4 KG Somaraj

Applicants

Mr KS Bahuleyan

Advocate for applicants

Versus

- 1 Union of India rep. by the
Director General of Posts,
Dak Bhavan, New Delhi.
- 2 The Postmaster General,
Central Region, Kochi-682 016.
- 3 The Senior Superintendent of
Post Offices, Ernakulam Division,
Kochi- 682 011

Respondents

Mr C Kochunni Nair, ACGSC

Advocate for respondents

OA 439/92

VK Subhash Chandran

Applicant

Mr KS Bahuleyan

Advocate for applicant

Versus

- 1 Union of India rep. by the
Director General of Posts,
Dak Bhavan, New Delhi.
- 2 The Postmaster General,
Central Region, Kochi- 682 016.
- 3 The Senior Superintendent of
Post Offices, Ernakulam Division,
Kochi- 682 011

Respondents

Mr George CP Tharakan, SCGSC

Advocate for respondents

DA 481/92

Y Sanandan

Applicant

Mr KS Bahuleyan

Advocate for applicant

Versus

- 1 Union of India rep. by the
Director General of Posts,
Dak Bhavan, New Delhi.
- 2 The Chief Postmaster General,
Kerala Circle, Trivandrum.
- 3 The Superintendent of Post Offices,
Trivandrum South Division,
Trivandrum- 685 014

Respondents

Mr George CP Tharakan, SCGSC

Advocate for respondents

DA 676/92

MN Bhaskaran

Applicant

Mr KS Bahuleyan

Advocate for applicant

Versus

- 1 Union of India rep. by the
Director General of Posts,
Dak Bhavan, New Delhi.
- 2 The Chief Postmaster General,
Kerala Circle, Trivandrum-695 033.
- 3 The Postmaster General,
Northern Region, Calicut-673 011.
- 4 The Superintendent of Post Offices,
Tellicherry Division, Tellicherry.

Respondents

Mr Joy George, ACGSC

Advocate for respondents

DA 103/92

KV Narayana Swamy

Applicant

Mr DV Radhakrishnan

Advocate for applicant

Versus

- 1 Senior Superintendent of Post Offices,
Palghat Division, Palghat.
- 2 Chief Postmaster General
Kerala Circle, Thiruvananthapuram.
- 3 Director General of Posts,
Department of Posts, New Delhi.
- 4 Union of India rep. by its Secretary,
Ministry of Communications, New Delhi.
- 5 C Kandunni, Postmaster (HSG-II),
Alathur- Malabar.

Respondents

Mr C Kochunni Nair, ACGSC

Advocate for respondents

DA 167/92

KV Krishnan-IF

Applicant

Mr DV Radhakrishnan

Advocate for applicant

Versus

- 1 Superintendent
RMS 'CT' Division
Kozhikode- 673 032
- 2 Director of Postal Services,
Office of the Chief Postmaster General,
Thiruvananthapuram
- 3 Chief Postmaster General
Kerala Circle, Thiruvananthapuram.
- 4 Director General of Posts,
Department of Posts, New Delhi.
- 5 Union of India rep. by its
Secretary, Ministry of Communications,
New Delhi.

Respondents

Mr George EP Tharakan, SCGSC

Advocate for respondents

DA 280/92

- 1 LJ Mohan Das
- 2 KC Unni
- 3 G Sumathykutty Amma
- 4 S Vasanthakumari
- 5 B Leela
- 6 KP Vijayaramdas
- 7 K Kamalasanan Pillai

Applicants

Mr DV Radhakrishnan

Advocate for applicants

Versus

- 1 Senior Superintendent of Post
Offices, Trivandrum North Division,
Thiruvananthapuram- 695 001
- 2 Director of Postal Services,
Office of the Chief Postmaster General
Kerala Circle, Thiruvananthapuram.
- 3 Chief Postmaster General
Kerala Circle, Thiruvananthapuram.
- 4 Director General of Posts,
Department of Posts, New Delhi.
- 5 Union of India rep. by its Secretary,
Ministry of Communications, New Delhi

Respondents.

Mr George Joseph, ACGSC

Advocate for respondents

DA 745/92

- 1 AS Ramachandran
- 2 K Thampan
- 3 KK Kochunni
- 4 TX Zackaria
- 5 N Sarojini Amma
- 6 P Sivanandan Pillai
- 7 KK Sasidharan

Applicants

Mr DV Radhakrishnan

Advocate for applicants

Versus

- 1 Superintendent of Post Offices
Alapuzha Division, Alapuzha-12.
- 2 Director of Postal Services
Central Region, Kochi.
- 3 Chief Postmaster General
Kerala Circle, Thiruvananthapuram.
- 4 Director General of Posts
New Delhi.
- 5 Union of India rep. by its Secretary,
Ministry of Communications,
New Delhi.
- 6 VT Joseph, Postal Assistant, Alapuzha.
- 7 CJ Raja, Postal Assistant, Alapuzha.

Respondents

Mr C Kochunni Nair, ACGSC

Advocate for respondents.

DA 786/92

K Prabhakaran

Applicant

Mr DV Radhakrishnan

Advocate for applicant

Versus

- 1 Senior Superintendent of Post
Offices, Trichur Division, Trissur.
- 2 Director of Postal Services
Central Region, Kochi.
- 3 Chief Postmaster General,
Kerala Circle, Thiruvananthapuram.
- 4 Union of India rep. by its Secretary,
Ministry of Communications,
New Delhi.
- 5 PT Sarojini, Sub Postmaster, Viyar.

Respondents

Mr George CP Tharakan, SCGSC

Advocate for respondents

DA 169/92

TR Kuttappan

Applicant

Mr MR Rajendran Nair

Advocate for applicant

Versus

1 The Senior Superintendent of Post Offices, Kottayam.

2 The Director General Posts, New Delhi.

Respondents

Mr Joy George, ACGSC

Advocate for respondents

DA 171/92

PS Gopalakrishnan

Applicant

Mr MR Rajendran Nair

Advocate for applicant

Versus

1 The Senior Superintendent of RMS, Ernakulam Division, Ernakulam.

2 The Director General of Posts, New Delhi.

3 Union of India rep. by Secretary, Ministry of Communications, New Delhi

Respondents

Mr C Kochunni Nair, ACGSC

Advocate for respondents

DA 260/92

C Sreedevi

Applicant

Mr MR Rajendran Nair

Advocate for applicant

Versus

1 The Superintendent of Post Offices Kottayam Division, Kottayam.

2 The Director General, Posts, New Delhi.

3 Union of India rep. Secretary, Ministry of Communications, New Delhi

Respondents

Mr Mathew J Nedumpara, ACGSC

Advocate for respondents

DA 669/92

PV Gopalan

Applicant

Mr MR Rajendran Nair

Advocate for applicant

Versus

- 1 The Senior Superintendent
RMS Ernakulam Division.
- 2 The Director General, Posts,
New Delhi.
- 3 Shri VA John, Office Assistant,
Divisional Office, Ernakulam.
- 4 Union of India rep. by Secretary,
Ministry of Communications,
New Delhi.

Respondents

Mr Joy George, ACGSC

Advocate for respondents

DA 433/92

MP Paulose

Applicant

Mr M Paul Varghese

Advocate for respondents

Versus

- 1 The Senior Superintendent of Post
Offices, Alwaye Postal Division,
Alwaye- 683101.
- 2 The Chief Postmaster General,
Kerala Postal Circle,
Trivandrum.
- 3 Union of India rep. by
Director General of Posts,
Department of Posts, New Delhi

Respondents

Mr George Joseph, ACGSC

Advocate for respondents.

DA 1185/93

K Mohammed Basheer

Applicant

Mr Thomas Mathew

Advocate for applicant

Versus

- 1 Senior Superintendent,
RMS, TV Division, Trivandrum.
- 2 Director of Postal Services
(HQS), Office of the Chief
Postmaster General, Trivandrum.
- 3 Chief Postmaster General,
Kerala Circle, Trivandrum.
- 4 Director General of Posts,
Department of Posts, New Delhi.
- 5 Union of India rep. Secretary,
Ministry of Communications,
New Delhi.

Respondents

Mr George CP Tharakan, SCGSC

Advocate for respondents

CORAM

Hon^{ble} Mr Justice Chettur Sankaran Nair, Vice Chairman
and
Hon^{ble} Mr R Rangarajan, Administrative Member

JUDGMENT

Chettur Sankaran Nair (J), Vice Chairman

Contentions raised in these applications are similar and so are the reliefs sought. The main relief sought is to quash clause-X of an order exhibited as Annexure-1 in DA 880/93. It reads:-

"(X)- Supervisory Special Pay/ Special Allowance Admissible to various cadres under one time bound promotion scheme will be abolished with the implementation of this scheme w.e.f 1.10.91. It is expected that those who are promoted to the HSG-II scale under this scheme on completion of 26 years service would take over the supervisory responsibilities hitherto performed by the LSG supervisor. Further detailed instructions in this regard will follow."

2 Applicants would submit that this clause deprives them not only of the seniority gained, but also of other benefits gained by them under the rules of their service.

3 Promotion to the cadre of Lower Selection Grade was by two methods. 1/3rd of the vacancies were filled by promoting those who qualified in a competitive examination. The remaining 2/3rd of the vacancies were filled on the basis of seniority-cum-fitness. As a result of this, many of the juniors in the rank list who passed the competitive examination and came into 1/3rd quota, became senior in the cadre of Lower Selection Grade, hereinafter called as LSG. Then another scheme for

'second time bound promotion' was introduced with effect from 1.10.1991 by which officials who had put in a total service of 26 years, were promoted to HSG-II irrespective of their ranking in the cadre of LSG. The effect of this is to reverse the order of seniority in the category of LSG by placing those who had longer service, above those who came into 1/3rd quota by qualifying in a competitive examination.

4 According to applicants, this not only leads to inequities, but also takes away the vested rights of those in the 1/3rd quota. This will further deprive them of the supervisory allowance and make their juniors their Supervisors, submit applicants. We consider it unnecessary to go into the merits of the contentions, as the Senior Central Government Standing Counsel submits that the government itself, is looking into the matter, with a view to remedy anomalies, if any. The government will be free to do so, but they would maintain status-quo as on 1.10.1991, so far as the applicants are concerned, until a decision is taken in the matter. While taking a decision in the matter, government will consider:-

(a) whether seniors in the LSG Cadre, can be deprived of seniority, by their juniors being placed above them by reason of the 'second time bound promotion' ;

(b) whether those like the applicants who came in the 1/3rd quota, have not acquired a vested rights; and

(c) whether such a vested right can be taken away in the light of the principles enunciated in S M Ilyas Vs. Indian Council of Agricultural Research, (1993 (1) SLR-60).

5 Applicants are permitted to submit a comprehensive representation before Government which will be considered before a final decision is taken.

6 Applications are disposed of. No costs.

Dated the 27th July, 1993.

R Rangarajan
Administrative Member

Chettur Sankaran Nair (J)
Vice Chairman

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