

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. 295/94

Monday, this the 13th day of March, 1995

CORAM:

HON'BLE MR. JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR. S. P. BISWAS, ADMINISTRATIVE MEMBER

1. V.S. Roy, Postal Assistant
Manjeri HFO
2. Vijayan P. Pakarath
Postal Assistant, Manjeri HFO
3. M. Thomas, Postal Assistant,
Chunkathara P.O.

Applicants

By Advocate Mr. M. R. Rajendran Nair

vs.

1. Union of India represented by
Secretary to Government,
Ministry of Communications, New Delhi
2. The Chief Post Master General,
Kerala Circle, Trivandrum
3. The Superintendent of Post Offices,
Manjeri
4. K. Arya Devi, Accountant
Office of the Superintendent of
Post Offices, Manjeri
5. K.K. Aravindakshan, Accountant
Head Post Office, Manjeri
6. C. Unni Nadi, Accountant,
Head Post Office, Malapuram

Respondents

By Advocate Mr. T.P.M. Ibrahim Khan, SCGSC for R 1-3

O R D E R

CHETTUR SANKARAN NAIR, (J), VICE CHAIRMAN

Applicants who have passed a test and qualified themselves for appointment as 'Post Offices And Railway Mail Services Accountants,' seek a declaration that respondents 4 to 6 should make way for them. Respondents 4 to 6 are holding the posts for which applicants are aspirants. They have been promoted, but they have declined promotions.

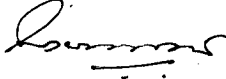
2. Merely because the declining of promotions by respondents 4 to 6 is inconvenient for applicants, we cannot give a declaration that respondents 4 to 6 cannot decline promotions. Learned counsel for applicants relied on A-II and submitted that an official has no unqualified right to decline promotion and that he is liable to be forced to accept a promotion. A-II only states that:

"... where the reasons adduced (sic) by an officer for his refusal of promotion are not acceptable to the appointing authority, then he should enforce the promotion of the officer..."

3. It is for the appointing authority to decide whether the reasons for declining promotion are acceptable or not acceptable, and it will be not for the applicants to decide such matters. While we find no good ground to grant the reliefs, applicants will be free to pursue their remedy (if any) with the departmental authorities.

4. With this observation we dispose of the application. No costs.

Dated the 13th March, 1995.


S. P. BISWAS
ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR (J)
VICE CHAIRMAN

Kmn 13.3.95

List of annexures

Annexure A-II: True copy of the order (relevant portion)
No.22034/3/81-Est (D), dated 1.10.1981 issued
by Government of India.