

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.309/99

Wednesday this the 18th day of July, 2001

CORAM

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

Annie John
Post Master,
Chengannur Head Post office,
Chengannur.

...Applicant

(By Advocate Mr. OV Radhakrishnan)

V.

1. Chief Postmaster General,
Kerala Circle, Thiruvananthapuram.
2. Director of Postal Services,
Southern Region,
Office of the Chief Postmaster General,
Kerala Circle, Thiruvananthapuram.
3. Director General of Posts,
Department of Posts,
New Delhi.
4. Union of India, represented by
its Secretary,
Ministry of Communications,
New Delhi.

..Respondents

(By Advocate Mr. George Joseph)

The application having been heard on 18.7.2001, the
Tribunal on the same day delivered the following:

ORDER

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

The applicant, a Postmaster, Chengannur Head
Post Office has filed this application for the
following reliefs:

(i) to declare that the applicant is entitled
to identical benefits granted by this Hon'ble
Tribunal in Annexure.A3 judgment;

(ii) to direct the respondents to extent the
benefit of Annexure.A3 judgment to the
applicant herein even though she was not
joined as a party to the above original
application;

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- (iii) to issue appropriate direction or order commanding the respondents to make review of promotion in the cadres of Higher Selection Grade II and Higher Selection Grade I taking into account the seniority of the applicant from 11.8.1979 in the Lower Selection Grade Cadre and to grant her promotion to the cadre of Higher Selection Grade II and Higher Selection Grade I with effect from the respective dates of her entitlement with all consequential service benefits including arrears of pay and allowances;
- (iv) to issue appropriate direction or order directing the respondents to revise and refix her seniority and rank in the Higher Selection Grade II and Higher Selection Grade I over her juniors;
- (v) to grant such other reliefs which this Hon'ble Tribunal may deem fit, proper and just in the circumstances of the case; and to award costs to the applicant.

2. It is alleged in the application that the applicant is senior to one Govindan Adiyodi, the applicant in OA 1092/92 and therefore, she is entitled to the benefit of seniority and promotion as has been given to Govindan Adiyodi as per the directions of the Tribunal in OA 1092/92.

3. The respondents have filed a detailed reply statement in which they contend that the confirmation and promotion of Sreedharan Nambissan being erroneous, steps are in progress for rectifying the mistake and therefore, the applicant would not be entitled to ante dated promotion on the basis of the error committed in the case of Sreedharan Nambissan.

4. An identical issue was considered by the Tribunal in OA 1034/98 where another person namely P.T.Bhaskaran, senior to both Govindan Adiyodi and Sreedharan Nambissan filed an application claiming seniority and promotion to HSG Grade II with effect from 3.6.88 and HSG Grade I from the date on which Shri Sreedharan Nambissan and Shri Govindan Adiyodi were ^{given} promotion with all consequential benefits. The

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Tribunal considered the rival contentions and observed as follows:

"The respondents are resisting the claim of the applicant mainly on the ground that the promotion given to Shri P.V.Sreedharan Nambissan being irregular, steps are in progress for rectifying the error and reviewing the promotion and seniority of Shri Sreedharan Nambissan and therefore, the applicant is not entitled to claim parity antedated promotion. We find that when the respondents took steps to review and revise the date of promotion of Shri Sreedharan Nambissan, he challenged the action by filing OA 668/97 which was allowed by this Tribunal and that the Hon'ble High Court of Kerala has dismissed the OP No.16613/2000 filed against the Tribunal's order on 13.6.2000. Therefore, as the move to alter the date of confirmation and promotion of Shri Sreedharan Nambissan has now been settled by the Tribunal as also by the Hon'ble High Court of Kerala, the respondents have no option but to give the applicant the benefit of the judgment in OA 1092/92 on par with Shri Govindan Adiyodi who is junior to the applicant."

On the basis of the above finding the Tribunal rejected the contention of the respondents and allowed the application directing the respondents to issue orders promoting the applicant to HSG.II with effect from 3.6.98 and HSG I from the date on which Shri Sreedharan Nambissan and Shri Govindan Adiyodi were promoted with all consequential benefits including arrears of pay and allowances.

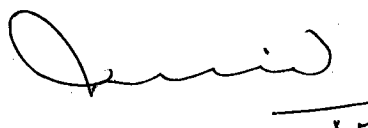
5. As the applicant in this case is similarly situated as the applicant in OA 1034/98 and is senior to him, we do not find any reason to deny to the applicant the same benefit as was given to the applicant in OA 1034/98.

6. In the result, the application is allowed rejecting the contentions of the respondents and directing the respondents to issue orders promoting the applicant as HSG Gr.II with effect from 3.6.88 and HSG Gr.I with effect from the date on which Shri Sreedharan

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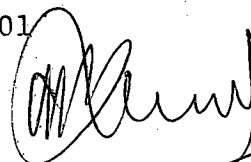
Nambissan and Shri Govindan Adiyodi were promoted with all consequential benefits including arrears of pay and allowances. We further direct that the above directions shall be complied with within a period of three months from the date of receipt of a copy of this order. There is no order as to costs.

Dated the 18th day of July, 2001



T.N.T. NAYAR
ADMINISTRATIVE MEMBER

(s)



A.V. HARIDASAN
VICE CHAIRMAN

List of Annexures referred to:

Annexure.A3: True copy of the Order in OA 1092/92 dated 9.7.93 of this Hon'ble Tribunal.

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