

CENTRAL ADMINISTRATIVE TRIBUNAL: ERNAKULAM BENCH

Date of decision : 1.2.1990

Present

Hon'ble Shri SP Mukerji, Vice Chairman

and

Hon'ble Shri N Dharmadan, Judicial Member.

OA NO.333/89

VP Damodaran Nambiar

: Applicant

Vs.

- 1 Director of Postal Services(Hqs)
Office of the Postmaster General
Kerala Circle, now redesignated
as Addl. Postmaster General,
Trivandrum.
 - 2 Postmaster General, Kerala Circle,
Trivandrum.
 - 3 Director General of Posts,
Department of Posts, New Delhi.
 - 4 Union of India rep. by its secretary,
Ministry of Communications,
New Delhi.
- : Respondents

M/s OV Radhakrishnan, K Radhamani Amma
and Raju K Mathew.

: Counsel of Applicant

Mr P Santhalingam, ACGSC

: Counsel of Respondents

O R D E R

Shri SP Mukerji, Vice Chairman.

We have heard the learned counsel of both the parties and gone through the documents carefully.

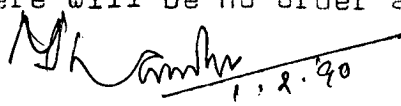
2 This case is of all fours with the original application No.K-8/88 which was decided by us on 31st August, 1989. It is conceded that the applicant before us had been promoted against the 1/3rd quota of 1979. Some of the empanelled officers moved the High Court of Kerala with Writ Petition No. 10046/84 which was

transferred to this Tribunal as TA 133//85, ~~which~~^{which} and
was decided by this Tribunal by the order dated 13.2.87
(Ext.A8). In compliance of that order, persons junior
to the applicant before us who were petitioners in that
case have been promoted to the LSG grade with effect
from 25.9.79 by the order of Respondent-2 (Ext.A9). It
is also evident that the applicant has not ^{been} given similar
benefits and his representation was rejected as per
Ext.A 11 letter.

3 The Respondents in their counter affidavit
have not been able to explain the reason for the denial
to the applicant the benefit of his promotion as per
the Tribunal's order at Annexure A8. It will be discriminatory
if some empanelled officers against 1979 vacancies are
given retrospective promotions with effect from 25.9.79
in accordance with the judgment of this Tribunal in
TA 133/85, while others ~~like~~^{like} the applicant who ~~were~~^{did} not
~~come~~^{came} before the Tribunal earlier, but identically placed ~~and~~^{and}
even senior to them ~~should be~~^{we} promoted from a later date
against ^{the} 1979 vacancies.

4 Accordingly, we allow this application with the
direction that the applicant should be promoted to the
L.S.G grade with effect from 25.9.79 with all consequential
benefits of pay & allowances, seniority etc., including
arrears. Action on these lines should be completed within
a period of 3 months from the date of communication of
this order.

5 There will be no order as to costs.


(N Dharmadan)
Judicial Member


(SP Mukerji)
Vice Chairman

1-2-1990