

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.

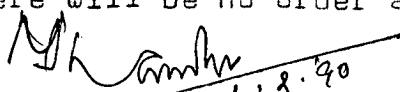
2 This case is of all fours with the original  
application No.K-8/88 which was decided by us on 31st  
August, 1989. It is conceded that the applicant before  
us had been promoted against the 1/3rd quota of 1979.  
Some of the empanelled officers moved the High Court of  
Kerala with Writ Petition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

transferred to this Tribunal as TA 133//85, ~~which 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 <sup>been</sup> given similar  
benefits and his representation was rejected as per  
Ext.A 11 letter.

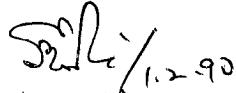
3 The Respondents in their counter affidavit  
have not been able to explain the reason for the denial  
to the applicant the benefit of his promotion as per  
the Tribunal's order at Annexure A8. It will be discriminatory  
if some empanelled officers against 1979 vacancies are  
given retrospective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

1-2-1990

  
(S.P. Mukerji)  
Vice Chairman