

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO: 378/96

DATE OF DECISION: 27/7/2000

Shri M.M.Kokane

Applicant.

Shri S.P.Kulkarni

Advocate for
Applicant.

Versus

Union of India & Anr.

Respondents.

Shri S.S.Karkera for
Shri P.M.Pradhan

Advocate for
Respondents.

CORAM:

Hon'ble Shri B.S.Jai Parameshwar, Member(J)
Hon'ble Shri Govindan.S.Tampi, Member(A)

1. To be referred to the Reporter or not?
2. Whether it needs to be circulated to
other Benches of the Tribunal?
3. Library.

GOVINDAN.S.TAMPI
MEMBER(A)

abp

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO:378/96
DATED THE 27TH DAY OF JULY, 2000

CORAM:HON.SHRI B.S.JAI PARMESHWAR, MEMBER(J)
HON.SHRI GOVINDAN.S.TAMPI, MEMBER(A)

Shri M.M.Kokane,
Working as : Sub-Post Master,
Indrayani Darshan SO,
District - Pune. Applicant

By Advocate Shri S.P.Kulkarni

V/s.

Union of India,
Through:

1. Superintendent of Post Offices, Mofussil Division, Pune - 411 042.
2. Postmaster General, Pune Region, Pune - 411 001. Respondents

By Advocate Shri S.S.Karkera
for Shri P.M.Pradhan

(ORDER) (ORAL)

Per Shri Govindan.S.Tampi, Member(A).

OA-378/96 is filed by Shri M.M.Kokane of Pune against Union of India and Superintendent of Post Offices, Pune. The Applicant is represented by Shri S.P.Kulkarni and Respondents by Shri S.S.Karkera for Shri P.M.Pradhan.

2. In this case the applicant was recruited as Postal clerk in Pune Division in the grade of 975-Rs.1660/- and promoted thereafter to the L.Ss.G. in the scale of Rs.1400-2300 and was promoted to H.S.G.II grade of Rs.1600 - 2660 on 1/7/94 on introduction of time bound promotion under Biennial Cadre Review(BCR) Schemed.

JK

...2.

3. The Applicant's case was considered for promotion and on promotion he was actually transferred to Bhigwan R.s.P.O. vide letter dated 7/10/94. However, he declined the promotion. The case of the applicant is that his declining the promotion for a year has resulted in denial of promotion almost on a permanent basis and he has remained at what he was all these years. The Respondents contend and indicate that in the scheme under reference there was a provision for half yearly review and states that the applicant's case was considered but he was not given ^{reference} ~~on account~~ ^{possible} of declining it earlier. They have, in support of that produced a letter dated 15/7/2000 from Superintendent of Post Offices, Pune Division. It would appear from the perusal of letter that the next DPC was held on 9/2/97 but, that his case was not considered after 1995, on account of the debarment following his declining the promotion. The half yearly review has not taken place thereafter. If that be so, it would appear that the respondents have almost permanently debarred the applicant for promotion which was not correct. It was absolutely necessary to have considered him for promotion in the succeeding selection also and to promote him, once the debarment on promotion was over in October, 1995.

4. We would, in the circumstances direct that the respondents actually examine the records and consider the case of the applicant for promotion by the DPC which would have met after the debarment period, say, if it has not been so far done and promote him accordingly. If the decision of the DPC which has

R

...3.

:3:

correctly met, once the period of debarment is over, and is against the applicant, we would not like to interfere. In such an event, the applicant shall be informed suitably.

5. This application is disposed of with these directions.

No orders as to costs.

(GODINDAN.S.TAMPI)
MEMBER(A)

27/1

(B.S.JAI PARAMESHWAR)
MEMBER(J)

27/1/2000

abp