

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
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Commercial Complex (BDA),
Indiranagar,
Bangalore - 560 038

Dated : 12-1-88

APPLICATION NO 415 /80(F)

W.P. NO _____ /

Applicant

Shri A. Ganapathi Bhat

v/s The Supdt, RMS Q Division, Mangalore & 3 Ors

To

1. Shri A. Ganapathi Bhat
LSG - Sorting Assistant
S.R.O. RMS Q Division
Mangalore
Dakshina Kannada District
2. Shri M. Raghavendra Achar
Advocate
1074-1075, Banashankari I Stage
Bangalore - 560 050
3. The Superintendent
RMS Q Division
Mangalore (Dakshina Kannada)

4. The Director of Postal Services
Headquarters
Bangalore
5. The Post Master General
Karnataka Circle
Bangalore - 560 001
6. The Post & Telegraph Board
(Postal Services)
New Delhi - 110 001
7. Shri M.S. Padmarajaiah
Central Govt. Stng Counsel
High Court Building, Bangalore - 1

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/88XX/
~~ORDER~~ passed by this Tribunal in the above said
application on 7-1-88.

Encl : as above

R.V. Umashankar
DEPUTY REGISTRAR
EXECTION OFFICER
(JUDICIAL)

o/c

RECEIVED

Diary No. 1617/02-88

Date: 13-1-88 *[Signature]*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS THE SEVENTH DAY OF JANUARY 1988

Present : Hon'ble Justice Shri K.S.Puttaswamy ... Vice-Chairman

Hon'ble ... Sri P. Srinivasan ... Member (A)

APPLICATION NO. 415/87 (F)

A. Ganapathi Bhat,
LSG - Sorting Assistant,
S.R.O. RMS Q Division,
Mangalore.

... Applicant

(Shri M.R. Achar ... Advocate)

v.

Superintendent,
RMS Q Division,
Mangalore

Director of Postal
Services HQ

Post Master General
Bangalore

P&T Board,
New Delhi

... Respondents

(Shri MS Padmarajaiah . Advocate)

This application came up before this Bench for hearing
today. Hon'ble Shri P. Srinivasan, Member (A) made the following:

O R D E R

The applicant who is currently working as LSG Sorting Assistant complains in this application that he should have got promotion under the 'time bound one promotion' scheme with effect from 30.11.1983 after completion of 16 years service as Sorting Assistant while he was in fact given such promotion only with effect from 8.7.1985.

2. Shri M.R.Achar, learned counsel for the applicant contended that the applicant was denied time bound promotion from 30.11.1983 only on the ground that disciplinary proceedings had earlier been instituted against him and he had been awarded a penalty by the



P. Srinivasan

Disciplinary Authority on 21.6.1982 stopping his increment for two years. However, subsequently on 15.7.1985 the reviewing authority had reduced the penalty to that of Censure. If this reduced penalty had been taken into account by the Departmental Promotion Committee (DPC) considering the applicant for promotion with effect from 30.11.1983 he would not have been denied that promotion. Shri Achar, therefore, prays that this Tribunal should direct the Respondents to give the applicant time bound promotion with effect from 30.11.1983.

3. Shri M.S. Padmarajaiah, on the other hand contends that the decision of the DPC which was held on 24.1.1984 to consider the case of the applicant along with those of several others for time bound promotion classified the applicant and 51 others as unfit for promotion. The same DPC identified another category of 12 officials in whose cases it was recorded that they should be given time bound promotion on the expiry of the punishment which they were at the time undergoing. Obviously if the applicant was not recommended for promotion because of the punishment which he was undergoing, the DPC would have said that he would be entitled to such promotion on the expiry of the punishment but it did not do so. On the other hand the DPC clearly categorised the applicant and 51 others as unfit for time bound promotion. The decision, therefore, not being based only on the penalty which the applicant was undergoing at the time, this Tribunal should not interfere with the decision of the DPC.

4. We have carefully perused the proceedings of the DPC held on 24.1.1984 to consider the case of the applicant for time bound promotion with effect from 30.11.1983. We cannot fail



to notice that one set of persons who were not recommended for immediate promotion were, however, recommended for promotion on the expiry of the period of punishment being undergone by them at the time. The applicant's name does not figure in this list. His name figures in the list of 52 persons who were considered unfit for promotion. From this the only view that can be taken is that the case of the applicant was considered on the basis of his overall record and he was not denied promotion not only because he was undergoing punishment, for if that were so his promotion would have been recommended from the date the period of punishment expired. Shri Achar drew attention to para 7 of the reply of the respondents where it is stated that the DPC found the applicant unfit for promotion as on 30.11.1983 "as he was undergoing punishment of postponement of his increment for two years, which was still current upto 30.11.1984". To be fair to the Respondents, we must here point out that they have also said in the next sentence that the applicant had participated in an agitation and strike during the period from 28.4.1982 to 3.5.1982 and further in the same paragraph that "the DPC's decision for his non promotion was based on the overall performance of the applicant including the punishment that was in force at the time". (emphasis supplied). The paragraph should be read as a whole and one sentence torn out of the context cannot be treated as conclusive. Moreover, we have seen the original proceedings themselves and have come to the conclusion that it was not merely the punishment which was then in force that led to the decision not/recommend the applicant's promotion. In view of this we are of the



P. J. - the

opinion that the applicant was not given time bound promotion from 30.11.1983 on an overall review of his service record and other factors which may have included the fact that he had been held guilty in disciplinary proceedings. This being so we have no reason to interfere with the decision of the DPC and to order the promotion of the applicant.

5. In the result the application is dismissed. Parties to bear their own costs.

sd/-

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VICE CHAIRMAN

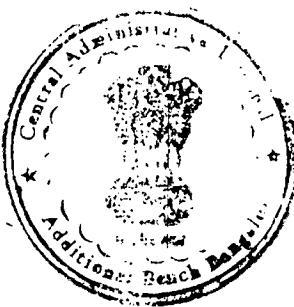
7/1/88

sd/-

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MEMBER (A)

7/1/88

- True Copy -



bsv

R. Venkatesh
DEPUTY REGISTRAR
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE