

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-38.

Dated: 18 MAR 1994

APPLICATION NO(s) 556 of 1993.

APPLICANTS: M. Mallappa v/s. RESPONDENTS: Secretary, Department
of Posts, New Delhi and others.

TO.

1. Sri. S.K. Mohiyuddin,
Advocate No. 11,
Jeevan Building,
Kumarapark East,
Bangalore - 560001.
2. Chief Post Master General,
Karnataka Circle, Bangalore-1.
3. Sri. M. Vasudev Rao for Sri. G. Shanthappa,
Addl. Central Govt Stg Counsel,
High Court Bldg, Bangalore-1.

SUBJECT:- Forwarding of copies of the Orders passed by
the Central Administrative Tribunal, Bangalore.

-xxx-

Please find enclosed herewith a copy of the
ORDER/STAY ORDER/INTERIM ORDER/, Passed by this Tribunal
in the above mentioned application(s) on 09.03.94.

gm*

c/c
Issued on 18-03-94

Gaj

R. Shauhar
18/3
DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE

APPLICATION NO. 556/1993

WEDNESDAY, DATED THE NINETH DAY OF MARCH, 1994.

Present: Mr. Justice P.K. Shyamsunder, Vice Chairman

Mr. T.V. Ramanan, Member (A)

Shri M. Malleppa
Aged about 50 years
working as Sub-Post Master at
Hosahalli P.O.,
583218, Bellary District.

... Applicant

(By Shri S.K. Mohiyuddin, Advocate)

Vs.

1. Union of India through
its Secretary, Department
of Posts, Dak Bhavan,
New Delhi-1.
2. The Chief Post Master General
Karnataka Circle, Bangalore-1.
3. The Superintendent of Post
Offices, Bellary Division
Bellary - 2.

... Respondents

(By Shri M.V. Rao for Shri G. Shantappa,
Advocate)

O R D E R

(Mr. Justice P.K. Shyamsunder,
Vice Chairman)

Admit.

The applicant herein feels seriously aggrieved by denial of promotion to him whereas others who were on the run have been given the benefit of promotion. It is not denied that he was considered for promotion, as can be seen from Government order dated 11.10.1991 produced as Annexure-1 regarding Biennial Cadre Review. We had the advantage of perusing Cl.(iv) of para-2

of the aforesaid Government order which states that "the criterion for promotion will be eligibility of 26 years of satisfactory service". It is not denied that during his 26 years tenure the applicant had suffered 2 minor penalties and in turn there were also adverse entries in his Annual Confidential Reports. Nonetheless and even so, his case for promotion in terms of this Government order under Annexure-1 was in fact considered, is the stand of the administration. Today, we are shown the records of the relevant DPC germane to the topic and therein we find that the department had in fact considered the applicant's case and found him unsuitable for promotion along with several others who were also considered for promotion alongside.

2. It is trite law the right of the Government servant is only for consideration of his claim for promotion and nothing beyond. This is a case in which the applicant's case has been considered but found ~~to be~~ unsuitable.

3. The applicant's counsel, Shri Mohiyuddin urged that the departmental authorities by denying the promotion were clearly guilty of having infringed the same against double jeopardy guaranteed under Article 20 of the Constitution of India. In this connection he relied on a decision of the Chandigarh Bench of the Tribunal in Sohanlal Sharma Vs. Union of India (1991 ATJ 94). We think that the said decision is clearly distinguishable on the ground that the department had in that case declined to consider the applicant's case for promotion relying on a punishment meted out to the applicant in the past. The case here is different. The DPC proceedings

show that they had simply gone by the Confidential report, of all the eligible officials for consideration and based on the same, applicant was not found suitable for promotion. Under the circumstances, the argument of double jeopardy is clearly misconceived. We also point out that a subsequent DPC reviewed the applicant's case for promotion, found him fit and promoted him from 1.7.1992. Today, the applicant has been furnished with a copy of that order dated 21.5.1993. He should certainly feel gratified by the outcome as it now stands. In any event, we find no substance in this application and dismiss the same. No costs.

Sd/-
(T.V. RAMANAN)
MEMBER (A)

Sd/-
(P.K. SHYAMSUNDER)
VICE CHAIRMAN

mr.

Se Shauhar
18/3
CENTRAL ADMINISTRATIVE TRAINING
BANGALORE