

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-560038.

Dated: 9 SEP 1993

APPLICATION NO(S) 530 of 1993

APPLICANTS: M.K. Patwari

TO.

RESPONDENTS: Post Master General,
N.K. Region, Dharwad & Others.

- ① Sr. M.K. Patwari, S/o. K.M. Patwari, Post Master (Retd),
House No. 11-1499, Vidyanagar Colony, Gulbarga-585103.
- ② Sr. G. Shankappa, Addl. Central Govt. Stg. Counsel,
High Court Bldg, Bangalore-1

Subject:- Forwarding of copies of the Order passed by
the Central Administrative Tribunal, Bangalore.

Please find enclosed herewith a copy of the
ORDER/~~STAY~~/INTERIM ORDER, passed by this Tribunal in the
above said application(s) on 25-8-93.

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gm*

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for DEPUTY REGISTRAR
JUDICIAL BRANCHES. 9/9/93

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE

DATED THIS THE 25TH DAY OF AUGUST, 1993.

PRESENT:

Hon'ble Mr. Justice P.K. Shyamsundar,

.. Vice-Chairman.

And

Hon'ble Mr. V. Ramakrishnan,

.. Member(A)

APPLICATION NUMBER 530 OF 1993

M.K. Patwari, S/o
K.M. Patwari,
Retired Post Master, HSG-I,
Bijapur, residing at
H.No. 11-1499, Vidyanagar,
Colony, Gulbarga-585 103.

Applicant.

v.

1. The Post Master General,
North Karnataka Region,
Dharwad - 580 001.
2. The Chief Post Master General,
Karnataka circle,
Bangalore-560 001.

.. Respondents.

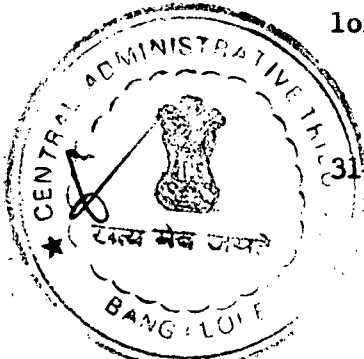
(By Sri G. Shanthappa, Standing Counsel)

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This application having come up for hearing to-day, Hon'ble Vice-Chairman made the following:-

ORDER

We dispose of this application at the stage of admission itself. We notice on the previous occasion notice had been ordered. Shri G. Shanthappa, learned Standing Counsel who appeared for the respondents sought time for filing objections, but we do not find any need in persisting over this matter any longer.

2. The applicant who has now retired from service on 31-7-1992 wants that his promotion from HSG Grade-II to HSG



Grade-I should be marked to 1-4-1990 the date on which the vacancy in the higher post was available and points out inter alia that in 1990 some of his juniors were promoted to the higher post but not himself. We must notice he was in fact promoted to the HSG Grade-I on 11-4-1991 and in due course he retired in July, 1992. In the mean time he had made a representation to the Government asking that his promotion to HSG Grade-I to be marked back to the date of occurrence of the vacancy in HSG Grade-I i.e., from 1-4-1990 on the ground that some of his juniors had enjoyed the benefit of such higher promotion. That representation, we find, has been appropriately considered and a detailed order passed in that behalf which is produced along with the application. It reads:-

"Sub: Promotion to HSG-I Cadre.
Ref: Your letter dated 11-11-1992.

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In your letter cited above you have requested that your promotion to the cadre of HSG-I should be ordered with effect from 1-4-1990 stating that your juniors have been officiating in HSG-I from that date.

According to the orders officials with three years of service in HSG-II are eligible for regular promotion to HSG-I. In your representation you have stated that no DPC was held in 1990 for promotion to HSG-I and that if the DPC was held you would have been eligible for promotion and promoted earlier. This is not correct. The DPC was held in 1990. The DPC did not consider your case because you had not completed 3 years of service in HSG-II. You completed 3 years on 15-2-1991. The DPC held in 1991 considered your case and you are recommended for promotion. Accordingly you were promoted in 1991.

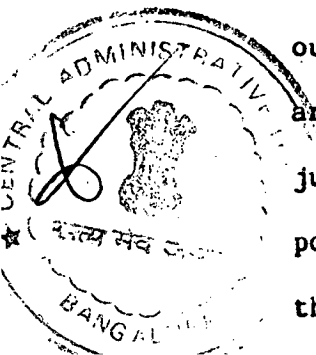
It is a fact that some officials junior to you were working under local arrangement in HSG-I as Post-master, Dharwad and Bijapur. All those officials got reverted when selected officials were posted to

those posts in 1991.

In the circumstances it is regretted that your request cannot be granted."

We notice from the above letter that a DPC was held in 1990. According to the Recruitment Rules a person who puts in three years of service in HSG Grade-II is alone eligible to be promoted to HSG Grade-I. Therefore in the year 1990 the applicant not having completed three years of service he could not be considered for promotion at that point of time. When he did put in the mandatory three years he was considered in 1991 and promoted. The DPC had not committed any wrong in not promoting the applicant in the year 1990. His grouse that in 1990 no DPC was held at all has been repudiated pointing out that there was a DPC held but he was not considered because he was ineligible. The question of considering the case of the applicant in the year 1990 would not arise when the man was not eligible and ripe for such consideration and that is what has happened in the present case as such he cannot make any grievance of it now.

3. The strong argument addressed by the applicant who appears in person is that although he was ineligible for promotion in 1990 should have been still considered for an ad hoc rise by promoting him to HSG Grade-I slot which position some of his juniors are stated to have enjoyed. That does appear to be the position. Why the department did that is explained in the letter dated 3-3-1993 referred to supra. It is pointed out that juniors to the applicant were working under local arrangement in HSG Grade-I in Dharwad and Bijapur, but all those juniors were reverted when regularly selected officials were posted in their place. The applicant certainly did not have the right to be appointed regularly in 1990 and he cannot say



if he could not be appointed regularly he should have been irregularly, a claim he cannot legally sustain.

5. We see no substance in this application. It is therefore dismissed. No costs.

Sd-
MEMBER(A)

Sd-
VICE-CHAIRMAN.

TRUE COPY

N. S.
SECTION OFFICER
CENTRAL ADMIN. & RE. TRAINING
ADDITIONAL DEPT.
BANGALORE

9/9/92