

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Dated: 24 SEP 1993

APPLICATION NO(S) 97 of 1993.

APPLICANTS: M.C.Gudur

v/s. RESPONDENTS: Secretary, Deptt. of Posts,
New Delhi & Others.

TO.

1. Sri.S.K.Mohiyuddin, Advocate, No.11, First Cross, Second Floor, Sujatha Complex, Gandhinagar, Bangalore-9.
2. Post Master General, (Staff), Karnataka Circle, Bangalore-1.
3. Sri.G.Shanthappa, Addl.Central Govt.Stng.Counsel, 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 14th September, 1993.

Issued
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gm*

For W. B. Cleer S
DEPUTY REGISTRAR
JUDICIAL BRANCHES.
24/9/93

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH : BANGALORE

DATED THIS THE 14TH DAY OF SEPTEMBER, 1993

PRESENT

HON'BLE JUSTICE MR. P.K. SHYAMSUNDAR .. VICE CHAIRMAN

HON'BLE MR. V. RAMAKRISHNAN ... MEMBER (A)

APPLICATION No.97/93

Sri M.C. Gudur,
S/o. Sri Chandappa Gudur,
Sub-Post Master,
Shorapur P.O. ... Applicant

(Shri S.K. Mohiyuddin .. Advocate)

Vs.

1. Union of India through
Secretary, Department of Posts.
Dock Bhavan, New Delhi - 1.

2. Chief Post Master General,
Bangalore - 1.

3. The Senior Superintendent of
Post Offices,
Gulbarga - 1. ... Respondents

(Shri G. Shanthappa .. Advocate)

This application, having come up before this
Tribunal today for hearing, Hon'ble Justice Mr. P.K.
Shyamsundar, Vice Chairman, made the following :

ORDER

The applicant, after qualifying for promotion as
Inspector of Post Office in virtue of having passed the
prescribed examination and thereafter required to undergo
training before fitment into the higher post of Inspector of
Post Office. While all that happened in the year 1989 in
that he has passed the examination in the year 1989 he was ^{later} ~~forfeited~~
directed to undergo training. We see all this ~~instruction~~
from Annexure A-1. But, pleading that he was unwell he asked
~~debarred~~ ^{for} ~~forfeited~~
them to put off the training for a period of one year as per
Annexure A-3.



2. Accordingly, acceding to his request for not taking the training for a period of one year on account of ill-health the department put off his training by one year as per Annexure A-4, dated 22.1.1990. But, even during the ~~one year~~ ^{year again} time, the applicant again applied for extension of the postponement of training for a further period of three months as per Annexure A-6 dated 30.3.1990. That probably irritated the department who promptly proceeded to remove his name from the list of approved I.P.O. candidates of 1989 batch vide Annexure A-8, dated 20/21.9.1990. He then made a representation dated 8.10.1990 as at Annexure A-9. But, in the earlier representation dated 8.10.1989, he had offered to undergo the training immediately and asked the department not to cancel his empanelment but that request was turned down by the Department as per Annexure A-10, dated 3.5.1991.

3. The applicant, apparently not one to giving up the chance of promotion easily made a further representation as per Annexure A-11 which was rejected on 23.3.1992 as per Annexure A-12 and hence this application.

4. After having heard Shri S.K. Mohiyuddin for the applicant and Shri G. Shanthappa, Learned Standing Counsel, it seems to us that on grounds of ill-health, the man having opted out for training temporarily could not have been done out of the chance of promotion by being removed from the panel of prospective promotees.

5. Shri S.K. Mohiyuddin appearing for the applicant says his client is now willing to take up the training which is mandatory and says even earlier he was prepared to do that.

Whatever that may be, we think it proper to direct the ^{you will} department to depute the applicant for training and appoint him to the post of Inspector of Post Office after the completion of the training. All benefits flowing from any ^{her} promotion will accrue only from the date of appointment as Inspector of Post Office after completion of training. The applicant will not be entitled to claim any benefits from an antecedent period. He will be ~~filled~~ into a vacancy arising in 1993 and not in any previous vacancies. No costs.



MEMBER (A)

Sd-

VICE CHAIRMAN

Sd-

ppb.

TRUE COPY

N. Deekshith
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

24/9/93