

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI
CAMP AT AURANGABAD

ORIGINAL APPLICATION NO: 645/98

MONDAY the 3rd day DECEMBER 2001

CORAM: Hon'ble Shri S.R. Adige, Vice Chairman

Hon'ble Shri S.L. Jain, Member (J)

P.S. Deshmukh
Senior Superintendent of
Post Office, Ahmednagar
Division, Ahmednagar.
Residing at
Indrayani Banglow, Opp. ITI
Ahmednagar.

... Applicant.

By Advocate Shri S.P. Saxena

V/s

1. Union of India through
The Secretary
Department of Post,
Ministry of Communication
New Delhi.
2. The Member (P)
Department of Post,
Ministry of Communication
Parliament Street,
New Delhi.
3. Chief Post Master General
Maharashtra Circle
Mumbai.
4. The Director of Postal Services,
Pune Region, Pune.
5. The Secretary,
U.P.S.C. Dholpur House,
New Delhi.

... Respondents.

By Advocate Shri V.S. Masurkar.

...2...

ORDER (ORAL)

¶ Per S.R. Adige, Vice Chairman¶

The applicant challenges respondents action in taking into consideration the adverse entries for the year 1993 - 94 and 1994 - 95 against which representations were pending in February 1998 and not promoting him in the senior Time Scale of Indian Postal Service Group 'A' (Rs. 8000 - 13500).

2. We have heard both sides.

3. From the materials on record, it is clear that applicant's representation against the adverse remarks for the year 1993 - 94 was disposed of by the respondents only on 30.6.1998 (Exhibit A - 5), while, his representation against adverse remarks for the year 1994 - 95 had not been disposed of by the respondents even till the date they filed their written statement i.e. on 8.12.1998, as is clear from para 12 of the same.

4. Meanwhile, the respondents had held DPC for promotion to Senior Time Scale to Indian Postal Service Group 'A' in February 1998 itself, on the basis of which certain promotions to that grade were made vide respondent's order dated 23.7.1998 (Exhibit A - 1).

5. As applicant's representation against the adverse remarks recorded in his ACR for the years 1993 - 94 and 1994 - 95 had not been disposed of by the respondents, when the DPC was held, it is only fair that the same should have been disposed of by them

7

...3...

before considering his case for promotion to Senior Time Scale in Indian Postal Service Group 'A'.

6. Under the circumstances, we dispose of this OA with a direction to the respondents to dispose of the representation of the applicant against the adverse remarks for the year 1994 - 95 by passing a speaking order in accordance with rules and instructions under intimation to the applicant within a period of two months from the date of receipt of copy of this order.

7. Thereafter, the respondents shall hold a Review DPC within 3 months from the date of disposal of applicants above mentioned representation and re-consider applicant's case for promotion to Senior Time Scale in Indian Postal Service Group 'A', in accordance with the Rules and instructions. In the event the Review DPC finds the applicant fit for promotion, in the light of the order passed on his representation, the applicant shall be entitled to promotion with effect from the date his immediate junior was so promoted, with all consequential benefits.

8. The OA is disposed of accordingly. No costs.

P.V.N.
(S.L.Jain)
Member(J)

S.R. Adige
(S.R. Adige)
Vice Chairman