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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

O.A.NO. 725 of 1987

Date of Order: 12/02/1990

G.Rama Gurappa

...Applicant

Versus

The Superintendent of Post Offices,
Nalgonda and another

...Respondents

For Applicant:

Mr.K.S.R.Anjaneyulu, Advocate

For Respondents:

Mr.J.Ashok Kumar, SC for Postal

...

C O R A M:

HON'BLE SHRI B.N.JAYASIMHA: VICE CHAIRMAN

HON'BLE SHRI D.SURYA RAO: MEMBER (JUDICIAL)

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(Judgment delivered by Shri B.N.Jayasimha, Vice Chairman)

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1. The applicant is a Postal Employee who is seeking to question the order no.B12-49, dated 4-3-1987, passed by the Ist respondent, rejecting his request for promotion to LSG.

2. The case of the applicant is that he was promoted from the post of Time Scale Clerk in Postal Division, Nalgonda to that of the post of LSG with effect from 30-11-1983. Thereafter, the impugned order dated 27-2-1987 was issued as a corrigendum ~~to~~ ^{to} the promotion order stating that the applicant is promoted to the next higher grade with effect from 1-6-1984 instead of 30-11-1983. It is stated therein that

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this modification ~~noted~~ ^{was issued} in view of irregularity noticed at the time of inspection by the Audit party. The applicant contends that without giving any valid reasons, the date of promotion was postponed to his detriment. The applicant submitted a representation against the postponement of his promotion. The Superintendent of Post Offices, Nalgonda by his letter dated 4-3-1987 informed the applicant that the Post Master General has carefully examined the representation under Time Bond promotion scheme from 30-11-1983 but does not find any merit and it has been rejected. In the circumstances, the applicant seeks a direction from the Tribunal to declare the orders dated 27-2-1987 and 4-3-1987 as arbitrary and illegal and for a direction to the respondents to treat him as ^{having been} promoted as LSG with effect from 30-11-1983.

3. On behalf of the respondents, a counter has been filed stating that the applicant was imposed a penalty of withholding of his next increment due on 1-12-1983 for two years vide order dated 8-4-1983 for Organising and canvassing Pearless Insurance Business. On appeal, the Director of Postal Services, AP Northern Region, Hyderabad in his proceedings dated 22-8-1983 reduced the penalty to that of withholding of increments ^{two} without cumulative effect. It is stated that the next increment of the applicant was ^{due} 1-12-1983 and the punishment was operative upto 31-5-1984. This punishment was over-looked at the time of consideration of the applicant's case for promotion. When this error was noticed in the year 1984, the Superintendent of Post

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To :

1. The Superintendent of post offices, (Union of India), Nalgonda.
2. The post master general, Andhra Pradesh circle, Hyderabad.
3. One copy to Mr.K.S.R.Anjaneyulu, Advocate, 1-1-365/A, Jawaharnagar, Bakaram, Hyderabad-500 020.
4. One copy to Mr.J.Ashok Kumar, SC for postal department, CAT, Hyderabad.
5. One spare copy.

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*Dismissed as
irrelevant
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Offices, issued a Corrigendum, promoting the applicant from 1-6-1984 instead of 30-11-1983. It is contended that as per Rule 135 of P. & T Manual Volume III an official on whom the penalty of withholding of increment has been imposed for a specified period should not be promoted till the punishment orders fully cease to be operative. For these reasons, the respondents oppose this application.

4. We have heard the learned counsel for the applicant Shri K.S.R.Anjaneyulu and the learned Standing Counsel for the Department Shri J.Ashok Kumar.

5. The main contention of Shri Anjaneyulu is that non-promotion of the applicant on the ground of his stoppage of increments amounts to double punishment. In support of his contention, he relies on the decision of the Chandigarh bench of the Tribunal in Parveen Kumar Aggarwal Versus ICAR Krish Bhawan New Delhi (II (1988) ATLT (CAT) 684) wherein it was held that 'an employee on whom a punishment of stoppage of increment is imposed cannot be denied promotion'.

6. We have considered the above submissions. Following the decision of the Chandigarh Bench cited above, we set-aside the impugned orders dated 27-2-1987 and 4-3-1987 and the respondents are directed to treat the applicant as promoted as LSG with effect from 30-11-83. It is open to the respondents to ^{enforce} ~~impose~~ the penalty in the higher post. With the above directions, the application is allowed. No costs. (Dictated in open court)

B.N.Jayasimha
(B.N.JAYASIMHA)
Vice Chairman

D.Surya Rao
(D.SURYA RAO)
Member(Judl.)

Dt.12th February, 1990.

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