

39

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

QA 889/92.

Dt. of Order:24-2-95.

B.V.A.N.Dathathrayulu

... Applicant

Vs.

1. Union of India, represented by  
Secretary to the Government of  
India & Director General,  
Department of Posts,  
New Delhi - 110 001.
2. Chief Post Master General,  
Andhra Pradesh Circle,  
Hyderabad-500 001.
3. Senior Superintendent of  
Post Offices, Hyderabad City  
Division, Hyderabad-500 001.

... Respondents

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Counsel for the Applicant : Shri K.S.R.Anjaneyulu

Counsel for the Respondents : Shri N.V.Raghava Reddy, Addl.CGSO

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CORAM:

THE HON'BLE SHRI A.V.HARIDASAN : MEMBER (J)

THE HON'BLE SHRI A.B.GORTHI : MEMBER (A)

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.... 2.

(21)

(Order passed by Hon'ble Shri A.B.Gorthi, Member (A) ).

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The applicant who retired on superannuation in the post of Dy. Superintendent of Post Offices, Hyderabad City Division on 30-6-92 is aggrieved by the decision of the Respondents not to give him promotion to H.S.G.-I prior to his regular promotion as Dy. Superintendent of post offices, which is a PSS Group-B post. The purport of the relief claimed by the applicant would be clear from the ~~approved~~ facts of the case, which are stated below :-

2. The applicant was working as Asst. Superintendent of Post Offices, Guntur Division in the scale of pay of Rs.1640-2900, when he was approved for promotion to <sup>P.S.S. &</sup> ~~the Post Superintendent~~ Group-B carrying the scale of pay of Rs.2000-3,500 vide D.G.Posts, New Delhi dt.30-8-90. Consequently he was promoted purely on adhoc basis as Sr.Post Master Khairatabad vide order dt.13-12-90 issued by the Chief Post Master General, A.P.Circle, Hyderabad. The said letter makes it clear that the promotion to the post is purely <sup>a</sup> temporary arrangement and on an adhoc basis and would not confer on the applicant any right for regular absorption etc.,. After his assumption of the post of Sr.Post Master, Khairatabad, the applicant was also selected for promotion to the regular line of HSG-I cadre by the D.P.C. as he was sufficiently senior to be promoted to HSG -I. He represented through the Chief Post Master General, AP Circle on 9-4-94 requesting that he should be reverted to his substantive cadre of ASPD and <sup>be</sup> given a regular promotion to HSG-I. This representation of the applicant was rejected on 22-4-91

(32)

(Annexure A-3) without assigning <sup>any</sup> ~~are~~ reason what-so-ever.

Subsequently, the applicant was regularly promoted to PSS Group-B vide CPMG letter dt.23-4-91 and he joined as Dy.Superintendent of Post Offices, Hyderabad City Division (PSS Group-B) on 30-6-93. Some other similarly situated employees who were clear<sup>ed</sup> for promotion both for PSS Group-B and HSG-I were first promoted <sup>to</sup> ~~as~~ HSG-I ~~were first promoted as HSG-I~~ and consequently they got certain additional financial benefits, which were denied to the applicant.

3. The above facts do not seem to be in dispute. Shri K.S.R.Anjaneyulu, learned counsel for the applicant urged before us that the Respondents were not justified in rejecting the request of the applicant for reversion to the substantive cadre of ASPD from his purely adhoc assignment of SPM, Khairathabad and for posting the applicant as HSG-I. He further pointed out that there were two clear vacancies, one at Hyderabad and the second at Machlipatnam, where the applicant could have been promoted and posted in HSG-I but the Respondents kept the post at Machlipatnam vacant for some time and later filled it by posting a junior to the applicant (Sri Veera Reddy) giving him adhoc promotion to HSG-I.

4. Learned standing counsel for the Respondents contend that as the applicant was promoted to PSS Gr.B in the scale of pay of Rs.2000-3,500 though on adhoc basis, with effect from 13-12-90, there was no justifiable occasion to consider his posting to

HSG-I in the scale of pay of Rs.2,000--3,200. Ordinarily such a contention would ~~not~~<sup>be</sup> have been accepted but for the fact that in the instant case initially the promotion of the applicant to PSS Gr.B was not on regular basis but only on adhoc and purely temporary basis. In view of this and taking into consideration the financial benefit that would have ~~been~~ accrued to the applicant had he been given his due HSG-I promotion, the Respondents ought to have considered<sup>ed</sup> his request for reversion to the substantive grade of ASPD for promotion to HSG-I in the <sup>w</sup>then existing vacancy at Machlipatnam.

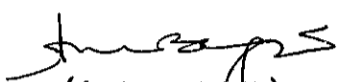
5. <sup>Having heard</sup> ~~Heard~~ learned counsel for both the parties, and <sup>having</sup> ~~perused~~ the material papers carefully, <sup>we</sup> ~~he~~ find that the Respondents ought to have positively reacted to the applicant's request for reverting him to the grade of ASPD, and promoted him as HSG-I as requested by him on 9-4-91. The rejection of the applicant's request, that too, without assigning any reason as was done vide Annexure A-3 to the Original Application, cannot be up-held as either being fair or just. Consequently we set aside the order of the CPMG dt.22-4-91 and direct that the applicant shall be deemed to have been promoted from the grade of ASPD to HSG-I with effect from 22-4-91 i.e. a date prior when Sri Veera Reddy, junior to the applicant was promoted on adhoc basis and posted as HSG-I. The applicant will be entitled

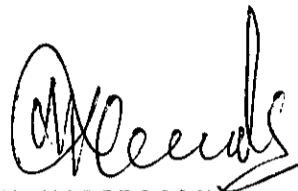
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34

to all the consequential benefits including the consequential re-fixation of his pension and payment of arrears.

6. Respondents to comply with the above directions within a period of four months from the date of receipt of this order. There is no order as to costs.

  
(A.B. GORTHI)  
Member (A)

  
(A.V. HARIDASAN)  
Member (J)

Dt. 24th February, 1995.  
Dictated in Open Court.

avl/

  
Deputy Registrar (Judl.)

Copy to:-

1. Secretary to the Government of India & Director General, Department of Posts, Union of India, New Delhi-001.
2. Chief Post Master General, Andhra Pradesh Circle, Hyd-001
3. Senior Superintendent of Post Offices, Hyderabad City Division, Hyderabad-001.
4. One copy to Sri. K.S.R. Anjaneyulu, advocate, CAT, Hyd.
5. One copy to Sri. N.V. Raghava Reddy, Addl. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-