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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH : AT HYDERABAD

RP 123/93
in
OA 379/92.

Dt. of Order: 18-1-94.

C.J.Prabhakar Rao

....Applicant

Vs.

1. The Sr. Superintendent of Post Offices,
Hyderabad South East Division,
Kachiguda, Hyderabad.
2. The Director of Postal Services,
Hyderabad City Region, Hyderabad.

....Respondents

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Counsel for the Applicant : Shri S.Ramakrishna Rao

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

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CORAM:

THE HON'BLE JUSTICE SHRI V.NEELADRI RAO : VICE-CHAIRMAN

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (A)

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...2.

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Judgement

(As per Hon. Mr. Justice V. Neeladri Rao, Vice Chairman)

Heard Sri S. Rama Krishna Rao, learned counsel for the applicant and Sri N.V. Raghava Reddy, learned counsel for the respondents.

2. The OA was filed praying for consideration of the applicant for promotion to the time-bound-one-promotion from the date he was due for promotion constituting Review DPC with all the consequential benefits. The said OA was disposed of by judgement dated 2-12-1993. The last para of the judgement is relevant for consideration and it reads as under :

"So, the respondents have to be directed to convene a review D.P.C. to consider the case of the applicant for Time Bound one Promotion in view of the observations in this order and if he is found suitable on the basis of the record available by 12-6-85, he has to be given promotion with effect from that date i.e. 12-6-1985. The punishment of reduction by 10 stages has to be implemented in the promotion scale, in case he was found suitable for Time Bound one Promotion as L.S.G. But if there is no possibility of reducing the pay by 10 stages in the scale applicable to promotional post, the applicant has to be given the minimum of that scale for the 3 years of the punishment."

3. It is now stated that D.P.C. considered the case of the applicant for Time Bound Promotion as on 12-6-1985, the date on which it was due and ordered his promotion. Ofcourse, it is subject to the pendency of any disciplinary proceedings against him. But we held in the judgement dated 2-12-1993 that the subsequent disciplinary proceedings is not a ground for withholding Time Bound one Promotion which was due on 12-6-1985. As D.P.C. already considered the case of the applicant for the said promotion and empanelled him for promotion, though referred to provisionally, there is no need

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- 3 -

for constitution of another D.P.C. for considering the same. Hence, the judgement dated 2-12-93 requires modification.

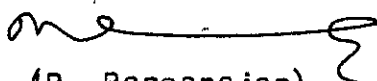
4. Delete the last two paras in the said judgement and substitute by the following :

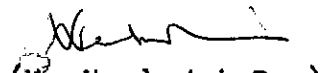
As the D.P.C. already considered the case of the applicant for Time Bound one Promotion as on 12-6-1985 and as ^{his} the name was empanelled provisionally, and as we held that the Disciplinary proceeding that was initiated subsequent to 12-6-1985 is not a ground for withholding the said promotion to the applicant as on 12-6-85, he had to be given Time Bound one Promotion ^{with effect from} on 12-6-1985. The punishment of reduction by 10 stages had to be implemented in the promotion scale. But if there is no possibility of reducing the pay by 10 stages in the scale applicable to promotion post i.e. L.S.G., he had to be given the minimum of that scale for the three years of the punishment.

The arrears on that basis had to be paid within three months from today.

5. The DA is ordered accordingly. No costs.

6. The R.P. is ordered accordingly, no costs.


(R. Rangarajan)
Member(Admn.)


(V. Neeladri Rao)
Vice Chairman

Dated : January 18, 94
Dictated in the Open Court


Deputy Registrar(J)

To

1. The Sr. Superintendent of Post Offices,
sk Hyderabad South East Division, Kachiguda, Hyderabad.
2. The Director of Postal Services, Hyderabad City Region, Hyderabad.
3. One copy to Mr. S. Ramakrishna Rao, Advocate, CAT. Hyd.
4. One copy to Mr. N. V. Raghava Reddy, Addl. CGSC. CAT. Hyd.
5. One copy to Library, CAT. Hyd.
6. One spare copy.

pvm

P. J. G. 18/1/94